

MR. [ALBERT J.] ENGEL [of Michigan]: . . . The gentleman from South Dakota [Mr. Case] intended to write "National Defense Mediation Board" and unintentionally wrote "National Mediation Board." They are not the same Boards.

THE CHAIRMAN:⁽¹³⁾ In the opinion of the Chair, the amendment offered by the gentleman from Michigan [Mr. Engel] to the amendment offered by the gentleman from South Dakota [Mr. Case] is simply a change in the Board which would have control, under the amendment as offered. The Chair thinks it is entirely in order for the gentleman from Michigan to offer an amendment for a different Board to be charged with the operation than the Board stated in the amendment as originally offered, and therefore overrules the point of order.

§ 8. Individual Proposition Offered as Amendment to Another Individual Proposition

A well-established principle governing questions of germaneness is that one individual proposition may not be amended by another individual proposition even though the two may belong to the same class.⁽¹⁴⁾ The question for the Chair frequently consists in determining what comprises an "individual proposition."⁽¹⁵⁾ For

13. Fritz G. Lanham (Tex.).

14. See, for example, §§ 8.8, 8.17, *infra*.

15. Where a bill relates to the maintenance and administration of a cer-

example, it has been held that, to a bill relating to relief for one class, an amendment seeking to include another class is not germane.⁽¹⁶⁾

Appropriation Bill Containing Funds for Agency—Amendment Appropriating Funds for Different Agency for Related Purpose

§ 8.1 To a portion of an appropriation bill containing funds for a certain purpose to be expended by one government agency, an amendment containing funds for another government agency for the same general purpose may not be germane although authorized by law; thus, to a title of a general appropriation bill containing funds for energy programs administered by the Department of Energy, an amendment appropriating a portion of those funds for a pilot wood utilization program authorized by law to be conducted by the Department of

tain parkway, a proffered amendment affecting the administration of a different parkway is not germane. See § 3.60 (Parliamentarian's Note), *supra*.

16. See § 13.19, *infra*.

Agriculture was held not germane.

On July 24, 1981,⁽¹⁷⁾ during consideration of the Energy and Water Development Appropriations for fiscal 1982⁽¹⁸⁾ in the Committee of the Whole, the Chair sustained a point of order against the following amendment:

MR. [JAMES] WEAVER [of Oregon]: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Weaver: Page 16, line 19, insert immediately before the period the following: “, and *Provided further*, That \$5,000,000 of the funds provided herein shall be made available to the Secretary of Agriculture for the establishment of pilot wood utilization projects and demonstrations as authorized by the Wood Residue Utilization Act of 1980, Public Law 96-554.” . . .

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, I make a point of order against the gentleman’s amendment. . . .

The amendment is not germane to this paragraph of the bill nor to the bill as a whole. The wood residue program is authorized by Public Law 96-554, and clearly is to be administered by the Forest Service, Department of Agriculture, which is funded under the Interior appropriations bill.

This program was not authorized to be administered or funded by the Department of Energy, which is where the gentleman’s amendment applies.

Under clause 7, rule XVI, it is stated that it is not in order during consideration in the House to introduce a new subject by way of amendment, and an amendment inserting an additional section should be germane to the portion of the bill to which it is offered.

I contend this amendment is not germane to this paragraph or this bill and is in violation of clause 7, rule XVI.

MR. WEAVER: . . . [T]he Department of Energy now funds wood utilization programs. This bill is law. We are not changing existing law. We are referring only to existing law and it is an energy manufacturing program and, therefore, definitely germane to this bill.

THE CHAIRMAN:⁽¹⁹⁾ The Chair is prepared to rule on the point of order made by the gentleman from Alabama (Mr. Bevill).

For the reasons stated by the gentleman from Alabama, the distinguished chairman of the subcommittee, the point of order is sustained and the amendment is held not germane to the pending title of the bill, which relates only to the Department of Energy.

Amendment Changing Existing Law To Achieve Single Purpose Offered to Proposition Not Amending That Law

§ 8.2 An amendment changing existing law in order to achieve one individual purpose is not germane to a proposition which does not

17. 127 CONG. REC. 17226, 97th Cong. 1st Sess.

18. H.R. 4144.

19. Anthony C. Beilenson (Calif.).

amend that law and which seeks to accomplish another individual purpose.

The proceedings of Dec. 14, 1973, relating to H.R. 11450, the Energy Emergency Act, are discussed in §41.20, *infra*.

Bill Granting Rights to Executive Agency Employees—Amendment To Extend Coverage of Bill to Legislative Employees

§8.3 Unless a bill so extensively amends existing law as to open up the entire law to amendment, the germaneness of an amendment to the bill depends upon its relationship to the subject of the bill and not to the entire law being amended; thus, to a bill amending a section of title 5, United States Code, granting certain rights to employees of executive agencies of the federal government, an amendment extending those rights to legislative branch employees, as defined in a different section of that title, was held to be beyond the scope of the bill and was held to be not germane.

On Oct. 28, 1975,⁽²⁰⁾ during consideration of a bill⁽¹⁾ dealing with the right to representation for federal executive employees during questioning, the Chair, in ruling that the amendment described above was not germane to that bill, reiterated the principle that one individual proposition is not germane to another individual proposition, even though the two belong to the same class:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 71 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:

“SUBCHAPTER III—EMPLOYEE RIGHTS

“§7171. Right to representation during questioning

“(a) Any employee of an Executive agency under investigation for misconduct which could lead to suspension, removal, or reduction in rank or pay of such employee shall not be required to answer questions relating to the misconduct under investigation unless—

“(1) the employee is advised in writing of—

“(A) the fact that such employee is under investigation for misconduct,

“(B) the specific nature of such alleged misconduct, and

“(C) the rights such employee has under paragraph (2) of this subsection, and

20. 121 CONG. REC. 34031, 34036, 34037, 94th Cong. 1st Sess.

1. H.R. 6227.

“(2) the employee has been provided reasonable time, not to exceed 5 working days, to obtain a representative of his choice, and is allowed to have such representative present during such questioning, if he so elects. . . .

MR. [ROBIN L.] BEARD of Tennessee: Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Beard of Tennessee: on page 1, line 8 insert immediately following the word “agency” the following: “, or any employee as defined under section 2107 of this Title.”.

MR. CHARLES H. WILSON of California: Madam Chairman, I have a point of order against the amendment. . . .

Madam Chairman, under rule XVI, clause 7, of the Rules of the House, any amendment to a bill concerning a subject different from those contained in the bill is not germane and is subject to a point of order. The instant amendment proposes to make the bill applicable to a completely new class of employees other than what is covered under the bill, namely, congressional employees. However, the reported bill applies only to employees of executive agencies as defined under section 105.

In my opinion, the subject of the amendment is not similar to any of the subject matters involved in H.R. 6227 which I have just outlined and is not germane. . . .

MR. BEARD of Tennessee: . . . Madam Chairman, I feel the amendment is germane to this particular bill inasmuch as the people we are including in this bill are Federal employees and those concerning whom we are leg-

islating today are Federal employees. . . .

Madam Chairman, if I may be heard further on the point of order, all this does is to remove an exemption rather than add a group of employees. It is just removing an exemption, and I believe that is the fair thing to do.

THE CHAIRMAN: ⁽²⁾ The Chair is prepared to rule.

The bill before us is very explicit as to its scope. It includes any employee of an executive agency. The bill itself, by its own terms, affects the class of civil servants known as executive agency employees.

The amendment offered by the gentleman from Tennessee (Mr. Beard) would seek to amend the bill by adding a totally different individual class of employees to the bill beyond the scope of the bill, namely, congressional employees as defined in section 2107.

The rule of germaneness, in terms of amendments of this kind, states as follows: One individual proposition may not be amended by another individual proposition, even though the two belong to the same class.

In light of that principle and in light of the scope of this bill, the Chair rules that this amendment is not germane and is, therefore, out of order. . . .

MR. [JOHN H.] ROUSSELOT [of California]: Madam Chairman, respecting the chairperson's ruling, in regard to title V to which this bill addresses itself, an amendment to title V includes all employees, including the President, Members of Congress, and members of the uniformed services, even though this bill has application,

2. Barbara Jordan (Tex.).

as the gentlewoman has said, only to Federal employees. Therefore, this title V does apply to all Federal employees. . . .

THE CHAIRMAN: To the gentleman from California (Mr. Rousselot) the Chair would only state that the germaneness of the amendment must be weighed against the content and scope of the bill and not title V of the United States Code, as the gentleman would interpret it.

Bill Relating to Civil Service Employees—Amendment To Extend Coverage of Bill to Postal and District of Columbia Employees

§ 8.4 To a bill relating to a certain class of federal employees (the civil service), an amendment to bring another class of employees (postal and District of Columbia employees) within the scope of the bill is not germane.

On Sept. 7, 1978,⁽³⁾ during consideration of a bill⁽⁴⁾ containing proposals to reform the federal civil service through merit system principles and personnel management, a point of order was made against two titles of a committee amendment in the nature of a substitute, one dealing with the

work week of federal firefighters and one amending a law (the “Hatch Act”) regulating political activities of postal and District of Columbia employees as well as the civil service. The point of order was made pursuant to a special order allowing a point of order based on the contention that both titles taken together would not have been germane if offered as a separate amendment to the bill as introduced, and providing that if the point of order were sustained, the committee amendment after deletion of those titles, would be read as an original bill for the purpose of amendment. The Chair ruled that the amendment was not germane, basing such ruling on the inclusion of postal and District employees within the coverage of the bill, without deciding the issue relating to inclusion of provisions as to the work week of federal firefighters.

THE CHAIRMAN:⁽⁵⁾ . . . Pursuant to the rule, The Clerk will now read by titles the committee amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk proceeded to read the bill.

MR. [LLOYD] MEEDS [of Washington]: Mr. Chairman, I make a point of order

3. 124 CONG. REC. 28437–39, 95th Cong. 2d Sess.

4. The Civil Service Reform Act of 1978 (H.R. 11280).

5. George E. Danielson (Calif.).

against titles IX and X, based on their violation of clause 7, rule XVI, in that they are nongermane to the bill before us.

Title IX deals with two groups of employees not covered in the original bill. It includes postal workers and District of Columbia employees. There is much precedent which indicates that we have classes of subjects not covered by the basic proposition before us, which renders the new material nongermane. That is precisely what title IX does by adding two new subjects.

Title X, on the other hand, introduces new subject matter, the pay of firefighters that is not covered in the original bill. Title X deals exclusively with hours of work and wages of firefighters, while the original bill deals with the institution of the merit system within the system. Where hours or wages are included, it is only incidental to the basic proposition of the merit system, so both of these titles should be stricken for the above reason, and for the added reason that neither proposition amends the original bill. Rather, both seek to amend existing and basic law. . . .

MR. [WILLIAM] CLAY [of Missouri]: . . . The facts are fairly obvious—and the connections between Hatch Act reform and the rest of H.R. 11280 are quite strong—

First, the bill, in section 2302 (on page 138, beginning on line 24) defines improper political activities as a prohibited personnel practice. Title IX of the bill states exactly what these improper political activities are.

Second, the bill charges the special counsel of the Merit System Protection Board (MSPB) with responsibility for

not only investigating prohibited personnel activities in general but improper political activities in particular. (See page 160, beginning on line 24.) Title IX of the bill defines more fully these activities which apply to Federal civilian as well as postal employees.

Mr. Chairman, it is inconceivable to me that this bill—which touches on virtually every aspect of civil service—should have political activities and firefighters singled out for this kind of shabby treatment. . . .

MR. [HERBERT E.] HARRIS [II, of Virginia]: Mr. Chairman, the point of order under the rule applies to titles IX and X, and comes before this House in a most unusual, and indeed a peculiar, way that the Chair perhaps would have to rule against the germaneness of one title that will be germane, because it is connected in the rule to another title that the Chair may consider nongermane.

I think it is unfortunate that the House must consider the matter in that fashion. I would point out to the Chair with regard to this point of order that title X, in fact, does pass the jurisdictional test. It was in fact with the same jurisdiction committee, the Committee on Post Office and Civil Service, as this bill is brought; therefore, it passes that jurisdictional test as far as the case is concerned.

I would point out further that the firefighter bill was actually reported out of this committee and came before this House; it passed by almost a 2-to-1 margin. Again, it reaches the fundamental purpose test.

The bill itself is for the reform of the civil service system by title. This bill is for the reform of the working condi-

tions of the firefighters, a part of the civil service system by title. The fundamental purpose of both bills are exactly the same, that is, reform of the system. . . .

I can cite precedents to indicate that when a bill deals with several particulars, one particular may be held to be germane.

In fact, this class is the same as the other titles of the bill. A bill may be amended by a specific proposition of the same class.

I would be happy to quote to the Chair about a dozen precedents that make this point.

If in fact we were to deal with the whole civil service system, dealing with a particular part of that system, that is the firefighters and their work rules is a particular matter within that system. Therefore, I would urge the Chair to overrule the point of order and hold title X as germane.

THE CHAIRMAN: The gentleman from Washington makes a point of order against titles IX and X of the committee amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service, on the grounds that those titles would not have been germane if offered as an amendment to the bill H.R. 11280, as introduced.

As indicated by the gentleman from Washington, the special order providing for consideration of this measure, House Resolution 1307, allows the Chair to entertain a point of order on the basis stated by the gentleman, that titles IX and X would not have been germane as a separate amendment to H.R. 11280 in its introduced form.

The bill as introduced and referred to the Committee on Post Office and

Civil Service, although broad in its coverage of reform proposals within the competitive service and in the executive branch of the Government, is limited to merit system principles and personnel management within the civil service of the U.S. Government. Title IX of the committee amendment is designed to characterize and to protect appropriate political activities of employees of the District of Columbia and Postal Service as well as civil service employees, by amending the Hatch Act. The Chair agrees with the argument of the gentleman from Washington that the amendment would add an entirely new class of employees to that covered by the bill, and for that reason is not germane.

Accordingly the Chair sustains the point of order.

Bill Governing Political Activities of Federal Civilian Employees—Amendment To Extend Coverage to Military Personnel

§ 8.5 To a bill governing the political activities of a certain class of federal employees, an amendment broadening the scope of the bill to cover another class of federal employees is not germane; thus, where a bill contained a provision excluding from its coverage a particular class (members of the uniformed services), the effect of which was to narrow the scope of the bill to an-

other single class (federal civilian employees), an amendment proposing to strike out that exclusion from coverage, thereby broadening the scope of the bill to include the separate class, was held not germane.

On June 7, 1977,⁽⁶⁾ during consideration of the Federal Employees' Political Activities Act of 1977,⁽⁷⁾ the Chair held that an amendment which by deleting an exception to the definition of the class covered by the bill and by inserting new provisions has the effect of including another class, is not germane. The amendment and proceedings related thereto were as follows:

The Clerk read as follows:

Amendments offered by Mr. Kindness: Page 28, line 12, strike out "but does not include a member of the uniformed services" and insert "including any member of the uniformed services". . . .

Page 38, line 14, immediately before the period insert "or by reason of being a member of the uniformed services".

Page 45, before line 8, insert the following:

"(j) The preceding provisions of this section shall not apply in the case of a violation by a member of a uniformed service. Procedures with respect to any such violation shall, under regulations prescribed by the

Secretary concerned, be the same as those applicable with respect to violations of section 892 of title 10.

Page 46, after line 12, insert the following:

"(c) The preceding provisions of this section shall not apply in the case of a violation by a member of the uniformed services. Any such violation shall, under regulations prescribed by the Secretary concerned, be subject to the same penalties as apply in the case of a violation of section 892 of title 10."

Page 47, after line 21, insert the following:

"(d) In the case of members of the uniformed services, the Secretary concerned shall carry out the responsibilities imposed on the Commission under the preceding provisions of this section."

Page 48, after line 17, insert:

"(c) In the case of members of the uniformed services, the Secretary concerned shall prescribe the regulations the Commission is required to prescribe under this section, section 7322(9)), and section 7324(c)(2) and (3) of this title."

MR. [WILLIAM] CLAY [of Missouri]: Mr. Chairman, I raise the point of order on the grounds that the matter contained in the amendment is in violation of the germaneness rule stated in clause 7 of House rule XVI.

The instant amendment proposes to make the bill applicable to an entirely new class of individuals other than what is covered under the bill.

The reported bill applies only to civilian employees in executive branch agencies, including the Postal Service and the District of Columbia government, who are presently under the Hatch Act.

The amendment seeks to add a totally different class of individuals to

6. 123 CONG. REC. 7713, 17714, 95th Cong. 1st Sess.

7. H.R. 10.

the bill; namely, military personnel who are not now covered by the Hatch Act. Accordingly the amendment is not germane to the bill. . . .

MR. [THOMAS N.] KINDNESS [of Ohio]: Responding (to) the point of order, Mr. Chairman, the bill, as before us at this time, has been expanded in considerable degree by the Clay amendment and by other amendments that have been adopted during the course of the consideration of the bill in the Committee of the Whole.

However, I would point out that the amendment is germane, and I particularly direct the attention of the chairman and the Members to line 12 of page 28 where, in the definition of the word "employee" the words appear, on line 12, "but does not include a member of the uniformed services."

Mr. Chairman, that is the very crux of this whole point. The committee has given consideration, apparently, to the inclusion or exclusion of members of uniformed services under the provisions of this bill. A conscious decision was apparently made; and as reported to the House, this bill has that conscious decision reflected in it not to include members of the uniformed services.

Mr. Chairman, the issue is directly before the House in that form, so that the amendment offered by the gentleman from Ohio is in order, is pertinent, and is germane. It could not be nongermane.

THE CHAIRMAN: ⁽⁸⁾ The Chair is prepared to rule on the point of order.

The gentleman from Missouri (Mr. Clay) makes a point of order that the

striking of the language, "but does not include a member of the uniformed services," and the remainder of the amendment broadens the scope of the bill in violation of rule XVI, clause 7.

The gentleman from Ohio (Mr. Kindness) argues that because the exclusion from coverage for the military is in the bill and has received consideration, that the germaneness rule should be more liberally interpreted. . . .

An annotation to clause 7, rule XVI, says that, in general, an amendment simply striking out words already in a bill may not be attacked as not germane unless such action would change the scope and meaning of the text. Cannon's VIII, section 2921; Deschler's chapter 28, sec. 15.3.

On October 28, 1975, Chairman Jordan of Texas ruled, during the consideration of a bill H.R. 2667, giving the right of representation to Federal employees during questioning as follows:

In a bill amending a section of title 5, United States Code, granting certain rights to employees of executive agencies of the Federal Government, an amendment extending those rights to, in that case, legislative branch employees, as defined in a different section of that title, was held to go beyond the scope of the bill and was ruled out as not germane.

The class of employees included in this legislation is confined to civilian employees of the Government, and those specifically so stated and described as being civilian employees of the executive agencies, of the Postal Service and of the District of Columbia government, and a reference to the Hatch Act as currently in force indicates that military personnel are not included in that act.

8. James R. Mann (S.C.).

It is obvious that the purpose and the scope of the act before us as referred to in its entirety as amended by this bill, is, "to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes."

The Chair finds that the striking of the language excluding military employees and inserting language covering the military broadens the class of the persons covered by this bill to an extent that it substantially changes the text and substantially changes the purpose of the bill. The fact that the exclusion of military personnel was stated in the bill does not necessarily bring into question the converse of that proposition. The Chair therefore finds that the amendment is not germane and sustains the point of order. . . .

MR. KINDNESS: Mr. Chairman, I have [a] parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. KINDNESS: Mr. Chairman, my parliamentary inquiry is this: Is there a way to appeal the ruling of the Chair within the rules of the House?

THE CHAIRMAN: Yes, there is.

MR. KINDNESS: So that I may respectfully appeal the ruling of the Chair at this point?

THE CHAIRMAN: If the gentleman from Ohio desires to do so.

Does the gentleman desire to appeal the ruling of the Chair?

MR. KINDNESS: No, Mr. Chairman, I do not so desire at this point.

Bill Containing Cost-of-living Adjustment for Foreign Service Retirees—Amendment To Adjust Civil Service Annuities

§ 8.6 To a bill reported from the Committee on International Relations containing a cost-of-living adjustment for foreign service retirees, an amendment containing a comparable adjustment in annuities for federal civil service employees was held to be not germane as beyond the scope of the bill and within the jurisdiction of the Committee on Post Office and Civil Service.

During consideration of H.R. 13179 (the State Department authorization bill for fiscal 1977)), it was demonstrated that an individual proposition may not be germane to another individual proposition even though they may belong to the same generic class. The proceedings of June 18, 1976,⁽⁹⁾ wherein the Chair sustained a point of order against the amendment described above, were as follows:

9. 122 CONG. REC. 19224, 19226, 94th Cong. 2d Sess.

COST-OF-LIVING ADJUSTMENTS OF FOREIGN SERVICE RETIREMENT ANNUITIES

Sec. 13. (a) Section 882(b) of the Foreign Service Act of 1946 is amended by striking out "1 per centum plus".

(b) The amendment made by subsection (a) shall apply with respect to annuity increases which become effective after the end of the forty-five-day period beginning on the date of enactment of this Act. . . .

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Derwinski: Page 10, strike out lines 3 through 9 and insert in lieu thereof the following:

Sec. 13. (a) Section 882(b) of the Foreign Service Act of 1946 (22 U.S.C. 1121(b)) is amended to read as follows:

"(b) Effective the first day of the second month which begins after the price index change equals a rise of at least 3 percent for a month over the price index for the month last used to establish an increase, each annuity payable from the Fund having a commencing date not later than that effective date shall be increased by such percentage rise in the price index, adjusted to the nearest 1/10th of 1 percent." . . .

COST-OF-LIVING ADJUSTMENTS OF CIVIL SERVICE ANNUITIES

Sec. 14. (a) Section 8340(b) of title 5, United States Code, is amended to read as follows:

"(b) Each month the Commission shall determine the percent change in the price index. Effective the first day of the second month which begins after the price index change equals a rise of at least 3 percent for a month over the price index for the

base month, each annuity payable from the Fund having a commencing date not later than that effective date shall be increased by such percentage rise in the price index, adjusted to the nearest one-tenth of 1 percent." . . .

MR. [THOMAS E.] MORGAN [of Pennsylvania]: . . . Mr. Chairman, this amendment is not germane to this bill because it affects the U.S. Civil Service and it is not within the scope of the bill. . . .

MR. DERWINSKI: I rise in opposition to the point of order.

Deschler's Procedures, chapter 28, paragraph 1.4, under general principles of germaneness, states that the rule of germaneness applies to the relationship between a proposed amendment and the pending bill to which it is offered.

There is an obvious relationship. Section 12 of the bill provides for annuity adjustments for alien employees who are under the Civil Service Retirement Act. Section 13 of the bill amends the annuity provisions of the Foreign Service Act.

The amendment I have offered relates to both these retirement systems. My amendment to section 13 of the bill amends the annuity provisions of the Foreign Service Act by changing the formula for cost-of-living adjustments, and is germane to that section. My amendment adding a new section 14 to the bill amends the Civil Service Retirement Act in the same manner, and is germane to the bill.

Mr. Chairman, because both of these retirement systems are affected by the pending bill, the amendment I have offered is, I believe, in compliance with the rule of germaneness.

Mr. Chairman, I urge the point of order be overruled.

THE CHAIRMAN:⁽¹⁰⁾ The Chair is prepared to rule.

For the reasons stated by the gentleman from Pennsylvania (Mr. Morgan) that the amendment covers a class of employees who are not contained in the bill, the Chair rules that the amendment is not germane and sustains the point of order.

Bill Amending Part of Law Relating to Prohibition Against Former Executive Branch Employees Appearing Before Agency on Matters Within Former Responsibility—Amendment To Repeal Prohibition in Another Section of Law Against Appearances by Former Officials Irrespective of Subject Matter

§ 8.7 To a bill amending one subsection of law dealing with one prohibited type of activity, an amendment to another subsection dealing with a related but separate prohibited type of activity is not germane; thus, to a bill narrowly amending one subsection of existing law to modify prohibitions against former executive branch employees appearing before their former employing agency for a certain time on mat-

ters within their former responsibility, further narrowed by amendment to strike proposed changes in another subsection of that law relating to coverage of categories of former officials under the entire law, an amendment to a third subsection of that section of law to repeal a separate prohibition against appearances by former senior executive officials irrespective of the subject matter of the appearance or communication, was held not germane to the bill as perfected by amendment.

On May 16, 1979,⁽¹¹⁾ during consideration of S. 869 in the Committee of the Whole, the bill had been amended to narrow it to one subsection of law. The amended bill read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 207 of title 18, United States Code, as amended by the Act of October 26, 1978 (Public Law 95-521, section 501 (a); 92 Stat. 1864)) is amended as follows: In clause (ii), strike “concerning” and insert “by personal presence at”; and in subparagraph (3), before “which was” insert “, as to (i),” and after “responsibility, or” insert “, as to (ii),”.

10. John Brademas (Ind.).

11. 125 CONG. REC. 11470-72, 96th Cong. 1st Sess.

Subsection (d)(3) of the aforesaid section 207 is amended by striking “O-7” and inserting “O-9”; and by inserting after “or” the following: “at such pay grade of O-7 or O-8 who has significant decisionmaking or supervisory responsibility as designated by the Director of the Office of Government Ethics in consultation with the head of the department or agency concerned; or”.

The Chair then sustained a point of order against the following amendment:

MR. [THOMAS N.] KINDNESS [of Ohio]: Mr. Chairman, I offer an amendment and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

On page 2, following line 2, add the following new sections to the bill:

“Sec. 2. Subsection (c) of section 207 of title 18, United States Code, is hereby repealed.

“Sec. 3. Section 207 of title 18, United States Code is further amended—

(1) in subsection (d) by striking out “(c)” and inserting in lieu thereof “(b)(ii)”;

(2) in subsection (e) by striking out “(c)” and inserting in lieu thereof “(b)(ii)”;

(3) in subsection (f) by striking out “(a), (b), and (c)” and inserting in lieu thereof “(a) and (b)”;

(4) in subsection (i) by striking out “(c)” and inserting in lieu thereof “(b)(ii)”;

(5) in subsection (j) by striking out “(a), (b), or (c)” and by inserting in lieu thereof “(a) or (b)”;

(6) by redesignating subsection (d) through (j) as subsections (c) through (i), respectively. . . .

MR. [GEORGE E.] DANIELSON [of California]: Mr. Chairman, the gentle-

man’s amendment would repeal subsection (c) of title 207 of the United States Code. I respectfully submit that it is not germane inasmuch as the bill pending before the committee at this time refers only to subsection (b) of section 207 of the United States Code. It has nothing to do with subsection (c). Therefore, it is beyond the scope of the bill and is not germane. . . .

MR. KINDNESS: This railroad is running pretty fast. The chairman of the subcommittee has just shown a lack of confidence in this bill. So much so that all we can consider under a very narrowly drawn committee amendment is just a little bit of the section that is involved. The real controversy lies outside of subsection (b). . . .

Now, as to the germaneness of the amendment that is before us, it relates to section 207. It relates specifically to section 207(c). No amount of cute parliamentary maneuvering can remove subsection (b) from section 207. Under the rules of the House, the whole section is appropriate for consideration.

The previous ruling of the Chair related to the establishment of some other section of law; but this is right in the same section and it is inappropriate to limit the application of this bill to just a portion of the section which is, indeed, a sentence. To limit it to only subsection (b) would not be to even consider the complete sentence.

MR. [CARLOS J.] MOORHEAD [of California]: Mr. Chairman, I wanted to speak to that point of order. The title of this bill is an act to amend section 207 of title 18, United States Code. That is exactly what this amendment does. It amends section 207 of title 18 of the United States Code. It should be relevant.

MR. KINDNESS: Mr. Chairman, on that point, in connection with the point raised by the gentleman from California (Mr. Moorhead), we must relate the ruling of the Chair on the point of order that has been raised to section 501 of title 18 of the United States Code. There can be no way to relate the ruling to section 501 of title 18 without it being in order and germane to consider everything within that section 501. . . .

MR. [ROBERT C.] ECKHARDT [of Texas]: Mr. Chairman, I speak in opposition to the point of order. As has been said before, both the matter before the House and the amendment relate to section 207. Both address the same question, the precise question, that was addressed by the original bill. This amendment is both germane to the original bill and germane to the committee amendment.

It is stated in the report:

The purpose of the proposed legislation is to make two clarifying amendments to section 207 of title 18, as amended by the Ethics in Government Act of 1978. This section bars certain government contacts or activity by former Federal officials and employees after they have left government employment.

Mr. Chairman, in discussing the purpose of the amendment, Mr. Charles Curtis is quoted on page 4. It is said:

Many top level Federal officers and employees come to a Federal agency from outside the government. Generally, they serve for a limited term or at the pleasure of the agency head or the President. They do not intend, nor could they reasonably expect, to make a career in Federal service. It is fundamentally important, therefore, if we are to be able

to convince senior, highly qualified individuals to contribute their talents to government that we preserve a reasonable opportunity that they will be able to continue to pursue their profession after they leave government.

Mr. Chairman, both the original bill and the amendment offered, and incidentally, both the original bill and the amendment offered open up section 207 in order to correct it for a specific purpose. They open that section to correct it in order to prevent a bar to persons going out of Government from continuing to engage in the type of skills and employment that they are trained for. The amendment that is contained in the original bill purports to do that by saying that nothing in the provision addressed will apply to an employee who does not appear personally before the agency.

The amendment that is offered to this simply strikes out all of the third paragraph that addresses the same kind of question and strikes out an absolute prohibition against an employee appearing before the commission at all for any purpose during a period of 1 year.

These both address the same problem. They have both been addressed in hearings before the committee; they have both been addressed by officials of Government over and over again.

Mechanically, this is germane because it deals with the same section, and substantially it is germane, because it deals with the same problem.

If a point of order could be so narrowly drawn, then there would be no opportunity to meet a question addressed in the same section of a bill except by one means. There would be no

option of meeting the same problem by another means.

In drawing so narrow a construction of the rules of germaneness, which, incidentally are not perfect—they are somewhat widely permitted to vary—if there could be any argument of reasonableness, it would be that one may address the question of the revolving door proposition either by permitting employees not to be barred absolutely for a year or by means of saying that a person will not be barred except for personal appearance. These are two ways of reaching the same question under the same section. . . .

MR. [HAROLD L.] VOLKMER [of Missouri]: . . . I would just like to note that even though the title itself refers to the full section, the body of the bill relates only to subsection (b) and subsection (d) as originally passed by the Senate and sent over to this body. It does not relate in any way to subsection (c), which is the subject of the amendment and, therefore, I believe the germaneness rule, which I will acknowledge is a narrow interpretation, should be followed here, and that only amendments to those two parts of section 207 would be in order. . . .

THE CHAIRMAN:⁽¹²⁾ The Chair is ready to rule.

The Chair can only rule with respect to the legislation which appears before the Committee of the Whole in its present form, and that is S. 869.

By a previous amendment adopted in the committee, the reference to subsection (d)(3) has been stricken from the bill. The only other subsection that remains in the bill is subsection (b) of section 207 of title 18 addressing one

category of employees. Any mention made of the title to the bill is not considered as a substantive part of the legislation and does not determine the germaneness of an amendment to the test.

Therefore, under the precedents as studied by the Chair, the Chair will sustain the point of order.

Bill To Increase Legislative Clerk-hire Allowance—Amendment Affecting Private Sector Employment

§ 8.8 To a bill increasing the allowance of Members and Delegates for clerk hire, an amendment providing that nothing in the act or in any executive order or rule of any government agency shall prohibit any employer from paying to any employee a wage equivalent to 75 cents per hour was held to be not germane.

The Chairman,⁽¹³⁾ in making the above ruling with respect to an amendment offered by Mr. Howard W. Smith, of Virginia, stated:⁽¹⁴⁾

The gentleman from Virginia has offered an amendment which has been

13. Jere Cooper (Tenn.).

14. 90 CONG. REC. 9013, 78th Cong. 2d Sess., Dec. 7, 1944. Under consideration was H.R. 5590 (Committee on Accounts), relating to clerk-hire allowances.

12. E de la Garza (Tex.).

reported, to which the gentleman from Missouri⁽¹⁵⁾ has made a point of order on the ground that the amendment is not germane to the pending bill. . . .

The Chair . . . invites attention to page 193 of Cannon's Precedents of the House of Representatives, which states under the subject of germaneness:

One individual proposition may not be amended by another individual proposition even though the two may belong to the same class.

. . . [T]he Chair sustains the point of order.

Resolution Requesting Budgetary Information From President—Amendment Requesting Budgetary Information From Certain House Members

§ 8.9 To a resolution requesting the President to furnish certain information pertaining to the 1958 budget, an amendment requesting that House Members who signed the proposed program for the Democrats also furnish budgetary information was held to be not germane.

In the 85th Congress, during consideration of a resolution⁽¹⁶⁾ as described above, the following amendment was offered:⁽¹⁷⁾

15. Mr. John J. Cochran.

16. H. Res. 190 (Committee on Appropriations).

17. 103 CONG. REC. 3525, 85th Cong. 1st Sess., Mar. 12, 1957.

Amendment offered by Mr. [Clare E.] Hoffman [of Michigan]: Page 1, line 5, immediately preceding the word "Resolved" insert:

Resolved, That the signers of the proposed program for the Democrats in the House of Representatives . . . are . . . requested to furnish to the Clerk of the Committee on Appropriations a statement indicating whether the amounts named in the budget as submitted for foreign policy and national defense . . . are excessive or deficient.

. . .

Mr. Clarence A. Cannon, of Missouri, made the point of order that the amendment was not germane. The Chairman, Jere Cooper, of Tennessee, in sustaining the point of order, stated:

The pending resolution deals entirely and exclusively with the request for information from the executive branch of the Government. The gentleman's amendment deals entirely with a request for information with respect to the House of Representatives, part of the legislative branch of the Government, and is not germane.

Subsequently, during consideration of the same resolution, another amendment was ruled out of order on similar grounds. Such amendment stated:⁽¹⁸⁾

Amendment offered by Mr. [Leslie C.] Arends [of Illinois]: After line 4, insert:

Resolved, That the chairman of the Committee on Appropriations . . . be

18. *Id.* at p. 3527.

asked within 3 weeks to report to the House as to where reductions can be made in the budget.

Bill To Protect Federal Government From Subversive Activities—Amendment Relating to Protection of “Any Government” in United States

§ 8.10 To a bill relating to registration of Communist organizations and concerned with protection of the federal government from subversive activities, an amendment providing that “It shall be unlawful for any person . . . to collaborate [with others] in working for the overthrow . . . or weakening of any government in the United States,” was held to be not germane.

In the 81st Congress, a bill⁽¹⁹⁾ was under consideration to protect the United States against certain subversive activities. An amendment was offered⁽²⁰⁾ as described above. A point of order was raised against the amendment, as follows:

MR. [FRANCIS E.] WALTER [of Pennsylvania]: Mr. Chairman, I make the point of order that the amendment is

19. H.R. 9490 (Committee on Un-American Activities).

20. 96 CONG. REC. 13762, 81st Cong. 2d Sess., Aug. 29, 1950.

not germane. This is a registration act. The amendment would properly be to the Smith Act.

The following exchange ensued:

THE CHAIRMAN:⁽¹⁾ The Chair would like to inquire of the gentleman from Pennsylvania if he has taken into consideration that on page 9, in section 4 there are certain prohibited acts?

MR. WALTER: Mr. Chairman, I call the attention of the Chair to the fact those prohibited acts are on the part of employees of the Government. The amendment goes further and applies to anybody who conspires to overthrow the Government, either by force or violence or by peaceful means.

The Chairman, in ruling on the point of order, stated:

It is true that the amendment offered by the gentleman from Florida [Mr. Bennett] deals with acts relating to the destruction or weakening of any government in the United States, which the Chair would interpret to mean the government of any subdivision of the country, referring to section 4. The bill before the committee deals only with the Federal Government of the United States. Therefore the Chair is constrained to rule that the amendment is not germane to the bill now under consideration.

Subsequently, a similar amendment was allowed which deleted the reference to “any government” in the United States.

1. Albert A. Gore (Tenn.).

Bill Providing for Census and Apportionment of Representatives—Amendment Invoking Constitutional Provisions Requiring Reduction of Basis of Representation Where Voting Rights Abridged

§ 8.11 To a bill providing for a census and apportionment of Representatives in Congress, an amendment was held to be not germane which sought to invoke constitutional provisions requiring reduction of the basis of representation where the right of citizens to vote is abridged.

In the 76th Congress, the bill⁽²⁾ described above was under consideration when the following amendment was offered:⁽³⁾

Amendment offered by Mr. [John C.] Schafer of Wisconsin: Page 2, after the period at the end of the last line insert: "Provided That in submitting the statement to Congress and making the apportionment, the reduction provided in section 2 of the fourteenth amendment to the Constitution shall be made."

Mr. Lindsay C. Warren, of North Carolina, raised the point of order that the amendment was not germane. In defense of the amendment, the proponent stated:

Mr. Chairman, the committee reported the bill with an amendment excluding two classes of people who are not to be counted in the apportionment, namely, aliens and Indians. This amendment therefore opens up the bill so that . . . we can add another class of those to be excluded in the count. . . .

The Chairman, Marvin Jones, of Texas, in sustaining the point of order, noted that, "the pending bill only deals with the mechanics of an apportionment and does not deal with the census itself."⁽⁴⁾ He cited the principle that, "One individual proposition may not be amended by another individual proposition,"⁽⁵⁾ and also quoted a prior ruling of the Chair which had included the observation:

. . . that even though a subject relates to the same matter, yet if it introduces a new element or an element of uncertainty, or if it provides a future action upon the happening of something indefinite, the matter so offered is not then germane as an amendment.⁽⁶⁾

Joint Resolution Proposing Constitutional Amendment To Reform Electoral College Process—Amendment Relating to Apportionment of Representatives

§ 8.12 To a joint resolution proposing a constitutional

2. S. 2505 (Committee on the Census).

3. 86 CONG. REC. 4384, 76th Cong. 3d Sess., Apr. 11, 1940.

4. *Id.* at p. 4385.

5. *Id.* at p. 4384.

6. *Id.* at p. 4385.

amendment relating to the election of the President and Vice President by popular vote rather than through the electoral college process, an amendment pertaining to the apportionment of Representatives and the size of congressional districts was held to be not germane.

In the 91st Congress, a bill⁽⁷⁾ was under consideration proposing an amendment to the Constitution relating to the election of the President and Vice President. The following amendment was offered to the bill:⁽⁸⁾

Amendment offered by Mr. [Thaddeus J.] Dulski [of New York]: Page 3, insert after line 14 the following:

Sec. 6. In each State entitled . . . to more than one Representative . . . there shall be established . . . a number of districts equal to the number of Representatives to which such State is so entitled. . . . [N]o district . . . shall contain a number of persons . . . more than 2½ per centum greater or less than the average obtained by dividing the whole number of persons in such State . . . by the number of Representatives to which such State is entitled. . . .

Page 3, strike out lines 17 and 18, and insert in lieu thereof the following:

Sec. 8. The first five sections of this article shall take effect one year after

the 21st day of January following ratification. Section 6 of this article shall not apply to any Congress beginning prior to one year after the date of ratification of this article or to any Congress prior to the 93rd Congress.

A point of order was raised against the amendment, as follows:

MR. [EMANUEL] CELLER [of New York]: . . . House Joint Resolution 681 relates to the election of the President and Vice President. The Dulski amendment prescribes standards for congressional redistricting and is not germane to the purposes of the resolution under consideration.

The Chairman, Wilbur D. Mills, of Arkansas, in ruling on the point of order, stated:⁽⁹⁾

The joint resolution presently under consideration relates to the method of selecting the President and Vice President of the United States. There is no reference therein to the apportionment of Representatives or to their election.

Therefore, the Chair holds that the establishment or description of congressional districts is not a matter that is within the scope of the pending joint resolution and the amendment is not germane.

Bill Regulating Poll Closing Time in Presidential Elections—Amendment Extending Coverage of Bill to Primary Elections

§ 8.13 To a bill regulating poll closing time in presidential

7. H.J. Res. 681 (Committee on the Judiciary).

8. 115 CONG. REC. 25983, 91st Cong. 1st Sess., Sept. 18, 1969.

9. *Id.* at p. 25984.

general elections, an amendment extending the provisions of that bill to presidential primary elections is not germane.

On Jan. 29, 1986,⁽¹⁰⁾ it was demonstrated that an individual proposition may not be germane to another individual proposition although the two may belong to the same class, when the Chair sustained a point of order against the following amendment:

MR. [BILL] FRENZEL [of Minnesota]:
Mr. Chairman, I offer an amendment.
The Clerk read as follows:

Amendment offered by Mr. Frenzel: On page 3, line 18, insert the following: "primary and" before the word "general".

On page 4, line 4, after the word "election" insert the following: "or a Presidential primary election in which there is more than one State conducting its primary election," . . .

MR. [DENNIS E.] ECKART of Ohio:
Mr. Chairman, I offer a point of order based on clause 7 of rule XVI, the germaneness rule. I would cite in particular Deschler's Procedure, chapter 28, section 7 to the effect that "one individual proposition is not germane to another individual proposition." This bill deals exclusively with Presidential general elections. The amendment deals with Presidential primary elec-

tions. I make the point of order that the amendment is not germane and would go further to the point that suggests that not all States in fact have primaries. Many have conventions, many have other delegate selection processes known as caucuses, and therefore the application of this amendment across general election procedures would not be uniform. Therefore I insist on my point of order based on the germaneness rule. . . .

MR. FRENZEL: . . . It is true that the primary system is nonuniform. It is also true that this bill is not uniform, since it now eliminates certain jurisdictions, and, of course, from the origination did not include two of our great States, who have a part in both the general and the primary process.

However, the point that I made is, that without primary elections it would be impossible to select the candidates for the general election; and to say that a person's vote in the general election has a different value or weight than one in the primary election, I think, is something that is antithetical to our form of representative government.

It is all one process; it is inseverable, and whatever the precedent says about this thing, I think most sentient Americans would suggest that an election bill handled by a committee with election jurisdiction that could not be amended for a primary would be a very strange election bill, indeed. . . .

THE CHAIRMAN:⁽¹¹⁾ The Chair is prepared to rule.

As stated in the committee report, the sole purpose of the bill is to regulate Presidential general elections in

10. 132 CONG. REC. 684, 99th Cong. 2d Sess. Under consideration was H.R. 3525, a bill providing for uniform poll closing time for presidential elections.

11. Doug Barnard, Jr. (Ga.).

terms of poll closing. An amendment to extend the scope of the bill to Presidential primary elections is not germane under the principle that an individual proposition is not germane to another individual proposition although the two may belong to the same class, and the point of order is sustained.

Senate Amendment Relating to Availability of Senate Contingent Fund for Historical Items in Capitol—House Amendment Relating to Availability of House Unexpended Balances for Additional Purposes

§ 8.14 To a Senate amendment relating to availability of the Senate contingent fund for art and historical items in the Capitol buildings, a proposed House amendment relating also to the availability of House unexpended balances for those or other purposes authorized by law, or required to implement specified House resolutions (such as those relating to “mass franked mailings”), was conceded to be not germane.

The proceedings of May 24, 1990, relating to the conference report on H.R. 4404, the Dire Emergency supplemental appropriations, are discussed in § 27.36, *infra*.

Bill Authorizing Specified Individuals’ Appeals From Court of Claims—Amendment Conferring Jurisdiction on Court of Claims To Hear Claims of Other Individuals

§ 8.15 To a bill authorizing an appeal to the Supreme Court from a judgment of the Court of Claims in a specific case, an amendment conferring jurisdiction on the Court of Claims to hear and determine another case was held to be not germane.

In the 76th Congress, a bill⁽¹²⁾ was under consideration which stated:⁽¹³⁾

Be it enacted, etc., That George A. Carden and Anderson T. Herd, or their legal representatives may, at any time within — months after the date of the enactment of this act, appeal as of right to the Supreme Court of the United States from the judgment of the Court of Claims of the United States in the suit No. 42711 heretofore instituted. . . .

An amendment was offered providing in part:⁽¹⁴⁾

That jurisdiction is hereby conferred upon the Court of Claims of the United States, notwithstanding any lapse of

12. H.R. 7230 (Committee on the Judiciary).

13. 86 CONG. REC. 10274, 76th Cong. 3d Sess., Aug. 13, 1940.

14. *Id.* at p. 10275.

time or statute of limitation, to hear, determine, and render judgment upon the claim or claims of (particular persons).

Mr. Zebulon Weaver, of North Carolina, raised the point of order that the amendment was not germane to the bill. Chairman Luther Johnson, of Texas, in sustaining the point of order, stated:

The bill under consideration, H.R. 7230, relates merely to one claim, that of George A. Carden and Anderson T. Herd. The bill confers upon these claimants the right to take their case from the Court of Claims to the Supreme Court of the United States. The amendment offered by the gentleman from Pennsylvania covers a number of other parties in other claims who it does not appear are in any way related to the pending bill.

Bill Prohibiting Speculation in Onion Futures—Amendment Prohibiting Speculation in Potato Futures

§ 8.16 To a bill prohibiting speculation in onion futures, an amendment prohibiting speculation in Irish potato futures was held to be not germane.

In the 85th Congress, during consideration of a bill⁽¹⁵⁾ to amend the Commodity Exchange Act to prohibit trading in onion futures,

15. H.R. 376 (Committee on Agriculture).

an amendment was offered⁽¹⁶⁾ as described above.

Mr. Victor L. Anfuso, of New York, raised the point of order that the amendment was not germane. In defense of the amendment, the proponent stated as follows:

MR. [CLIFFORD G.] MCINTIRE [of Maine]: Mr. Chairman, I do want to point out that my amendment is consistent with the legislative work which this committee has done. . . .

. . . I will accept the ruling of the Chairman, but in view of all the legislative work which has been done in relation to potatoes as well as onions, I feel that they, too, deserve consideration under this legislation.

The Chairman,⁽¹⁷⁾ citing the principle that "one individual proposition may not be amended by another individual proposition," sustained the point of order.

Bill To Provide Price Support for Tung Nuts—Amendment To Provide Price Support for Honey

§ 8.17 To a bill to provide price support for tung nuts, a committee amendment to provide price support for honey was held to be not germane.

In the 81st Congress, during consideration of a bill⁽¹⁸⁾ to pro-

16. 104 CONG. REC. 4325, 85th Cong. 2d Sess., Mar. 13, 1958.

17. Wayne N. Aspinall (Colo.).

18. H.R. 29 (Committee on Agriculture).

vide price support for tung nuts, an amendment was offered⁽¹⁹⁾ as described above. A point of order was raised against the amendment, as follows:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, since the committee amendment has no greater standing than any other amendment, the title of this bill is to amend the Agricultural Adjustment Act of 1938, as amended, to provide parity for tung nuts and for other purposes. I make the point of order that the inclusion of honey is not related to the bill and is, therefore, not in order.

Responding to the point of order, Mr. John Phillips, of California, stated: ⁽²⁰⁾

On the point of order, Mr. Chairman, the title of the Agricultural Adjustment Act is all-inclusive. . . . This title, to which objection is raised on the floor, says specifically, "To amend the Agricultural Adjustment Act of 1938, as amended, to provide parity for tung nuts, and for other purposes." The committee, in the final line on page 3, has specified an amendment to the title to include tung nuts and honey.

The Chairman,⁽¹⁾ in ruling on the point of order, stated:

The title of the bill does not control. It is the body of the bill that controls. When an individual proposition is added to another individual propo-

sition by amendment, even though they are in the same class, they are not germane. The Chair sustains the point of order.

Bill Relating to Cost of Inspection of Meat—Amendment To Extend Coverage of Bill to Seafood

§ 8.18 To a bill proposing that the cost of federal inspection of meat and meat products be borne by the United States, an amendment seeking to extend coverage of the bill to seafood and seafood products was held to be not germane.

In the 80th Congress, during consideration of a bill⁽²⁾ relating to the meat inspection service of the Department of Agriculture, an amendment was offered⁽³⁾ as described above.

Mr. Clifford R. Hope, of Kansas, raised the point of order that the amendment was not germane to the bill. The Chairman,⁽⁴⁾ in ruling on the point of order, stated:

The Chair holds that the amendment is not germane. Under the rulings on the question of germaneness, one individual proposition may not be amended by another individual proposition, even

19. 95 CONG. REC. 10639, 81st Cong. 1st Sess., Aug. 2, 1949.

20. *Id.* at p. 10640.

1. John McSweeney (Ohio).

2. S. 2256 (Committee on Agriculture).

3. 94 CONG. REC. 6235, 80th Cong. 2d Sess., May 20, 1948.

4. Samuel K. McConnell, Jr. (Pa.).

though the two may belong to the same class. The Chair sustains the point of order.

Bill Providing Financial Relief for Agricultural Producers—Amendment To Extend Relief to Commercial Fishermen

§ 8.19 To a bill providing financial relief for one class (agricultural producers), an amendment extending such relief to another class (commercial fishermen), particularly where relief to the latter class is within the jurisdiction of another committee, is not germane.

During consideration of the Agriculture Credit Act of 1978⁽⁵⁾ in the Committee of the Whole on Apr. 24, 1978,⁽⁶⁾ Chairman Don Fuqua, of Florida, sustained a point of order against the following amendment:

MR. [JAMES] WEAVER [of Oregon]: Mr. Chairman, I offer amendments, and I ask unanimous consent that the amendments be considered en bloc.

THE CHAIRMAN: Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. Weaver: Page 20, line 7, insert "and

Commercial Fishing" after "Agricultural."

Section 202:

Page 20, line 11, strike out "and ranchers" and insert in lieu thereof ", ranchers, or commercial fishermen".

Page 20, line 12, strike out the comma and insert "or commercial fishing".

Page 20, line 14, insert "or fishing" before "cooperatives". . . .

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Chairman, I make the point of order the amendment is not germane to title II of the bill. I cite the title of title II which is "Emergency Agricultural Credit Adjustment Act of 1978." The purposes of title II of the bill are to make insured and guaranteed loans to bona fide farmers and ranchers who are primarily engaged in agricultural production, and to farm cooperatives, private domestic corporations or partnerships that are primarily and directly engaged in agricultural production.

No part of the bill deals with fishing activities or the fishing industry or has to do with establishing any loans or credits or otherwise providing financial assistance to any fishermen or those engaged in any fishing activity.

The whole structure and purpose of this title are limited to provision of credit to farmers and ranchers. Therefore, Mr. Chairman, I feel that the amendment is not germane to the title.

. . .

MR. WEAVER: Mr. Chairman, I would like to say the Farmers Home Administration makes fish loans presently. This is a Farmers Home Administration bill. Certainly the fishermen should be given the right to borrow under this Emergency Loan Act.

5. H.R. 11504.

6. 124 CONG. REC. 11080-81, 95th Cong. 2d Sess.

THE CHAIRMAN: The Chair is prepared to rule.

The amendment offered by the gentleman from Illinois (Mr. Weaver) would add commercial fishermen to the category of those eligible under title II of the bill. Title II, as indicated in section 202 on page 20, establishes a new emergency agricultural credit adjustment program for bona fide farmers and ranchers who are primarily engaged and directly engaged in agricultural production and to other farming entities engaged in agricultural production. While this program would be available to farmers and ranchers, the Committee on Agriculture has chosen to treat them as a generic class of persons engaged in the production of agricultural commodities—a matter properly within the jurisdiction of that committee.

As indicated in Deschler's Procedure, in section 7.17 of chapter 28—

To a bill providing relief for one class, an amendment to extend the relief to another class is not germane—

Especially where, as here, the class of recipients who may receive credit assistance is sought to be to commercial fishermen, matters which are within the jurisdiction of another committee of the House, as pointed out in the colloquy a few minutes ago. So, therefore, the Chair sustains the point of order against the amendment.

Provision To Prohibit Use of Funds for Enforcement of OSHA Regulations Applicable to Small Farms—Amendment Requiring Expenditure To Assure Congressional Compliance With OSHA

§ 8.20 To a substitute amendment prohibiting the use of funds in a general appropriation bill for the enforcement of any regulation under the Occupational Health and Safety Act applicable to small farms, an amendment adding at the end thereof the requirement that such funds be expended to assure full compliance under that Act by Congressional Members and staff was held not germane.

During consideration of H.R. 14232⁽⁷⁾ in the Committee of the Whole, the Chair sustained a point of order against the amendment described above. The proceedings of June 24, 1976,⁽⁸⁾ were as follows:

MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Chairman, I offer an amendment as a substitute for the

7. The Departments of Labor and Health, Education and Welfare Appropriation bill for fiscal 1977.
8. 122 CONG. REC. 20370, 20371, 94th Cong. 2d Sess.

amendment offered by the gentleman from Kansas (Mr. Skubitz).

The Clerk read as follows:

Amendment offered by Mrs. Fenwick as a substitute for the amendment offered by Mr. Skubitz: On page 7, strike the period at the end of line 25, and insert in lieu thereof: “: *Provided* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which employs five or fewer employees.”. . .

MR. [GARY] MYERS of Pennsylvania: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Myers of Pennsylvania to the amendment offered by Mrs. Fenwick as a substitute for the amendment offered by Mr. Skubitz: At the end of the amendment offered by Mrs. Fenwick strike the period and add the following: “*Provided further*, That the funds appropriated under this paragraph shall be obligated or expended to assure full compliance of the Occupational Safety and Health Act of 1970 by Members of Congress and their staffs.”

MR. [WILLIAM D.] FORD of Michigan: Mr. Chairman, I make a point of order against the amendment. . . .

Mr. Chairman, the amendment is not germane. It is also in violation of the rule against legislating on an appropriation bill. . . .

THE CHAIRMAN: ⁽⁹⁾ The Chair is prepared to rule.

The gentlewoman from New Jersey (Mrs. Fenwick) has offered a substitute for an amendment offered by the gentleman from Kansas (Mr. Skubitz).

Both the amendment offered by the gentleman from Kansas (Mr. Skubitz) and the proposed substitute offered by the gentlewoman from New Jersey (Mrs. Fenwick) are applicable to farmworkers and have a precise reference to the number of employees engaged by a farmer.

The gentleman from Pennsylvania (Mr. Myers) would add to the substitute additional provisions requiring that funds appropriated under the program shall be obligated and expended to assure compliance with the Occupational Safety and Health Act by Members of Congress and their staffs.

Manifestly, this does constitute legislation on an appropriation bill; and, beyond that, it would not be germane, in the opinion of the Chair, to the pending substitute.

For those reasons, the Chair sustains the point of order.

Bill To Regulate Marketing of Domestically Produced Farm Products—Amendment To Control Importation of Farm Products

§ 8.21 To a bill to regulate the marketing of domestically produced farm products, an amendment proposing to control the importation of farm products was held to be not germane.

9. James C. Wright, Jr. (Tex.).

In the 75th Congress, during consideration of a farm bill⁽¹⁰⁾ as described above, the following amendment was offered:⁽¹¹⁾

Page 80, at the bottom of the page, add a new section as follows:

Sec. 389. That . . . the importation of dairy products into the United States is prohibited unless such products have been produced from cattle which are free from bovine tuberculosis. . . .

A point of order was raised against the amendment, as follows:

MR. [JOHN M.] JONES [of Texas]: Mr. Chairman, I make a point of order against the amendment in that it is not germane to the paragraph, the section, or the bill itself. . . .

The Chairman, Jere Cooper, of Tennessee, noting that⁽¹²⁾ "The purpose of the pending bill is to regulate the marketing of domestically produced farm products," and that the amendment sought to control the conditions under which farm products are produced in foreign countries, sustained the point of order.

Bill Providing for Foreign Aid—Amendment Relating to Relief in United States

§ 8.22 To a bill providing for aid to certain foreign coun-

10. H.R. 8505 (Committee on Agriculture).

11. 82 CONG. REC. 1193, 75th Cong. 2d Sess., Dec. 9, 1937.

12. *Id.* at p. 1194.

tries, an amendment relating to relief in the United States was held to be not germane.

In the 80th Congress, a bill⁽¹³⁾ was under consideration providing for aid to foreign countries. An amendment was offered⁽¹⁴⁾ as described above. Mr. John M. Vorys, of Ohio, raised the point of order that the amendment was not germane to the bill.⁽¹⁵⁾ The Chairman,⁽¹⁶⁾ in sustaining the point of order, stated that the amendment "has nothing whatever to do with aid to foreign countries, but deals entirely with domestic conditions."

Provision Delaying Arms Shipment to Turkey Pending Certification of Progress in Resolving Cyprus Issue—Amendment To Require Further Certification as to Control of Opium Traffic

§ 8.23 To an amendment to a section of a bill delaying the shipment of certain arms to Turkey pending a Presidential certification that progress has been made with respect to the refugee problem on Cyprus, an amend-

13. H.R. 4604 (Committee on Foreign Affairs).

14. 93 CONG. REC. 11295, 80th Cong. 1st Sess., Dec. 11, 1947.

15. *Id.* at p. 11296.

16. Earl C. Michener (Mich.).

ment thereto requiring that the President also certify that the government of Turkey has taken adequate measures to control the diversion of opium poppy into illicit channels was held not germane.

During consideration of S. 2230⁽¹⁷⁾ in the Committee of the Whole on Oct. 2, 1975,⁽¹⁸⁾ the Chair sustained a point of order against the amendment described above, citing the principle that one individual proposition may not be amended by another individual proposition even though the two may belong to the same class. The proceedings were as follows:

THE CHAIRMAN:⁽¹⁹⁾ The Clerk will read.

The Clerk read as follows:

Sec. 2. (a)(1) The Congress reaffirms the policy of the United States to seek to improve and harmonize relations among the allies of the United States and between the United States and its allies, in the interest of mutual defense and national security. In particular, the Congress recognizes the special contribution to the North Atlantic Alli-

ance of Greece and Turkey by virtue of their geographic position on the southeastern flank of Europe and is prepared to assist in the modernization and strengthening of their respective armed forces.

(2) The Congress further reaffirms the policy of the United States to alleviate the suffering of refugees and other victims of armed conflict and to foster and promote international efforts to ameliorate the conditions which prevent such persons from resuming normal and productive lives. . . .

(b)(1) In order that the purposes of this Act may be carried out without awaiting the enactment of foreign assistance legislation for fiscal year 1976 programs—

(A) the President is authorized, notwithstanding section 620 of the Foreign Assistance Act of 1961, to furnish to the Government of Turkey those defense articles and defense services with respect to which contracts of sale were signed under section 21 or section 22 of the Foreign Military Sales Act on or before February 5, 1975, and to issue licenses for the transportation to the Government of Turkey of arms, ammunition, and implements of war (including technical data relating thereto): *Provided* That such authorization shall be effective only while Turkey shall observe the cease-fire and shall neither increase its forces on Cyprus nor transfer to Cyprus any United States supplied implements of war: *Provided* further, That the authorities contained in this section shall not become effective unless and until the President determines and certifies to the Congress that the furnishing of defense articles and defense services, and the issuance of licenses for the transportation of implements of war, arms and ammunition under this section are important to the national security interests of the United States; and

17. A bill authorizing appropriations for the Board for International Broadcasting for fiscal 1976, and to promote improved relations between the United States, Greece and Turkey.
18. 121 CONG. REC. 31480, 31481, 31486, 31489, 94th Cong. 1st Sess.
19. William H. Natcher (Ky.).

(B) the President is requested to initiate discussions with the Government of Greece to determine the most urgent needs of Greece for economic and military assistance.

(2) The President is directed to submit to the Speaker of the House of Representatives and to the Foreign Relations and Appropriations Committees of the Senate within sixty days after the enactment of this Act a report on discussions conducted under subsection (b)(1)(B), together with his recommendations for economic and military assistance to Greece for the fiscal year 1976. . . .

MR. [DANTE B.] FASCELL [of Florida]: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Fascell: Page 3, line 6, strike out "(1)"; in line 15, strike out "and to issue licenses" and all that follows thereafter through "thereto)" in line 18 and insert in lieu thereof "if the President determines and certifies to the Congress that significant progress has been made with respect to the refugee problem on Cyprus"; on page 4, line 1, strike out ", and the issuance of licenses" and all that follows thereafter through "ammunition" in line 2; and on page 4, strike out line 9 and all that follows thereafter through line 16 on page 6.

MR. [CHARLES B.] RANGEL [of New York]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Rangel to the amendment offered by Mr. Fascell: On line 5 of the Fascell amendment after the word "Cyprus" insert the following: and if the President determines and certifies to the Congress that the Government of Turkey has taken adequate measures to control the diversion of opium poppy into illicit channels.

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I make a point of order against the amendment. . . .

Mr. Chairman, the amendment of the gentleman from New York (Mr. Rangel) to the Fascell amendment contains language that is not germane, not only to the Fascell amendment, but certainly not to the bill before us.

Mr. Chairman, this amendment violates rule XVI, clause 7, of the Rules of the House of Representatives, which provides that no motion or proposition on a subject different from that under consideration shall be admitted under the guise of an amendment.

This rule is construed by the precedents of the House to require that the fundamental purpose of an amendment must be germane to the fundamental purpose of the bill. I cite Cannon's Precedents VIII, 2911. The relevant portion of this bill relates to the cessation of hostilities in Cyprus, not to the cultivation of poppies in Turkey. No matter how laudable the gentleman's amendment may be, or how much I may personally agree with the importance of elimination of poppy cultivation, this amendment is not germane to this bill, I submit, or to the amendment of the gentleman from Florida (Mr. Fascell), and my point of order should be sustained.

The title of the bill and the report from the Committee on International Relations before us make it clear that the fundamental purpose of this bill is to hasten a peaceful solution of the Cyprus situation. The committee did not undertake a comprehensive inquiry into the question of poppy cultivation in its consideration of this bill, which addresses quite different issues. We

have no way of knowing, on the basis of this report, what efforts the administration is making with the Government of Turkey to deal with this situation or what steps have been taken by the Government of Turkey. . . .

MR. RANGEL: . . . It appears to me that if we are talking about an agreement between the Turkish people and the Greek people, and certainly one of which the U.S. Congress has an interest, that this bill is broad enough to have the amendment included as being germane to the bill. . . .

MR. FASCELL: . . . The language in the bill in many places makes it very, very clear that what we are seeking to do here is to—and I quote from the bill—“. . . to improve and harmonize relations among the allies of the United States and between the United States and its allies . . .”

The amendment which is pending, the principal amendment, lays down a condition stating that it is essential to harmonize those relationships. The amendment offered by the gentleman from New York (Mr. Rangel) seeks to impose another condition for that same purpose. I think it is clearly germane. . . .

MR. [JOHN] BRADEMAS [of Indiana]: . . . I would like to rise in support of the position voiced by the gentleman from Florida (Mr. Fascell) and to draw attention to the fact, Mr. Chairman, that even in the committee report there are separate views that touch upon the very subject which is the subject of the gentleman's amendment.

THE CHAIRMAN: The Chair is ready to rule.

The test of germaneness is whether the amendment offered by the gen-

tleman from New York (Mr. Rangel) is germane to the amendment offered by the gentleman from Florida (Mr. Fascell).

Under Cannon's Procedures of the House of Representatives on page 202, we find the following:

One individual proposition may not be amended by another individual proposition even though the two may belong to the same class.

The amendment offered by the gentleman from Florida (Mr. Fascell) applies to one matter. The amendment offered by the gentleman from New York (Mr. Rangel) applies to a different and a separate matter.

Under the precedents supporting the principle set forth in Cannon's Procedures, the point of order must be sustained and the point of order is sustained.

The Chair recognizes the gentleman from New York (Mr. Stratton).⁽²⁰⁾

Bill Providing Relief for Aliens Who Are Political Refugees—Amendment To Provide Similar Relief for Nonaliens

§ 8.24 To a bill providing relief for one class, an amendment to extend the relief to another class is not germane; thus, to a bill providing relief for aliens who are political refugees of a certain geographic area, an amendment

20. An amendment having a similar purpose was later offered to a section of the bill and was held to be germane. See § 10.21, *infra*.

broadening the coverage of the bill to persons from another geographic area who are not aliens as defined in immigration law was held not germane.

During consideration of H.R. 6755 (United States assistance to migrants and refugees) in the Committee of the Whole on May 14, 1975,⁽¹⁾ Chairman Morris K. Udall, of Arizona, sustained a point of order against the following amendment, demonstrating that one individual proposition is not germane to another individual proposition:

MS. [BELLA S.] ABZUG [of New York]:
Mr. Chairman, I offer an amendment.
The Clerk read as follows:

Amendment offered by Ms. Abzug:
On page 1, line 10, strike out "aliens" and insert in lieu thereof "persons".

On page 2, line 1, strike out "Cambodia or Vietnam," and insert in lieu thereof "Cambodia, Vietnam or the United States".

On page 2, line 13, strike out "aliens" and insert in lieu thereof "persons".

On page 2, line 16, strike out "Cambodia or Vietnam" and insert in lieu thereof "Cambodia, Vietnam or the United States." . . .

MR. [JOSHUA] EILBERG [of Pennsylvania]: Mr. Chairman, I make the point of order that the amendment is not germane.

1. 121 CONG. REC. 14360, 14361, 14362, 94th Cong. 1st Sess.

This bill deals with a particular class of people: refugees from Indochina, that is, Cambodia and Vietnam. The subject matter of the amendment offered by the gentlewoman from New York (Ms. Abzug) has to do with amnesty, a matter which is within the jurisdiction of the subcommittee chaired by the gentleman from Wisconsin (Mr. Kastenmeier), and is being separately considered by that subcommittee, actively considered.

This bill will cover those aliens, refugees, who have been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act. In addition, the term "refugee," as defined in the bill and as that term is interpreted under international law and under section 203(a)(7) of the Immigration and Nationality Act, does not include U.S. citizens, and the bill was not intended to cover that category or class of people. . . .

MS. ABZUG: . . . The bill before us deals with providing assistance to a certain class of individuals, namely, those who have had to flee their homeland because of fear of prosecution because of their political opinions, among other things. . . .

Mr. Chairman, my amendment is germane because it does not seek to add another class of persons. What my amendment says is that there are several persons or several groups eligible within the class, the class being those who have to flee their homeland because of fear of persecution because of their political opinions. That is the purpose of the legislation. We would not be addressing this question of assistance if these people were just ordinary refugees. What we are saying is that they are here in the country be-

cause they fear persecution because of their political opinions, and that was the same reason we originally gave relief to the Cubans under the legislation which this bill tracks.

My amendment, I submit, is germane. It merely adds another group of persons and makes them eligible within the class. They are also persons who fled their country because of fear of personal and political persecution.

The American political refugee, the person who resisted the war in Vietnam because it was illegal and immoral, was forced to go into exile in Sweden and in Canada and is unable to return because of fear of prosecution, is entitled to the same kind of assistance that the Vietnamese and the Cambodian refugee is entitled to. . . .

MR. [PAUL S.] SARBANES [of Maryland]: . . . Mr. Chairman, the class to which H.R. 6755 addresses itself is to aliens who, in turn, meet other requirements contained within the legislation. The permanent legislation to which this pending legislation is related, since this is temporary legislation, is Public Law 87-510, the Migration and Refugee Assistance Act of 1962 which also deals with aliens as a class to which that legislation pertains.

The jurisdiction of the committee bringing this legislation to the floor of the House would not run to the programs proposed to be covered if the class were expanded to "persons" rather than "aliens," the jurisdiction of this committee rests upon its immigration and naturalization jurisdiction, and pertains to the class of aliens which is set out in the legislation in the Migration and Refugee Assistance Act of 1962.

MS. ABZUG: . . . I do not think the rule of germaneness is determined by the jurisdiction of a committee. The situation is that we are dealing with the bill that is before us now, and the question of whether this committee would have had jurisdiction over this or a bill with changed wording does not go to the question of germaneness. Therefore, I press my point, and simply say that my amendment merely brings in a third category of eligible persons, and the fact that they are or are not aliens does not preclude them from being covered for the purposes provided for the class for whom the bill addresses itself, namely, those who have been uprooted as a result of their political opinions from their homeland for fear of persecution.

THE CHAIRMAN: The Chair is prepared to rule.

The gentlewoman from New York (Ms. Abzug) has offered an amendment to the bill which, in several places, strikes out "aliens" and inserts "persons," and would strike "Cambodia or Vietnam" and insert "Cambodia, Vietnam or the United States," to which the gentleman from Pennsylvania (Mr. Eilberg) has made the point of order that the amendment is not germane to the bill.

The Chair has examined the bill and the report, and would characterize this bill as one which enables the United States to render assistance to a certain class of individuals, specifically, as stated on page 6 of the report, those individuals who are refugees from Indochina, and who are aliens.

The amendment, however, offered by the gentlewoman from New York, would extend the coverage of this act

to another class of individuals, specifically persons of the United States, who are citizens, but not aliens, even though they might be in a broader sense considered “political refugees.”

The precedents of the House indicate that to a bill dealing with the relief of one class, an amendment seeking to include another class is not germane, both because one individual proposition is not germane to another individual proposition and because such amendment would broaden the scope of the bill.

The Chair refers to Deschler’s Procedure, chapter 28, section 10.2, and Cannon’s Precedents, volume 8, sections 2959 and 3046.

The Chair believes that these principles are applicable in the present situation. By striking the word “aliens” and inserting in lieu thereof the word “persons” and by including a new class of persons within the coverage of the bill, the amendment would broaden the bill beyond its original scope. The Chair, therefore, feels that the amendment is not germane, and the point of order is sustained.

Bill Relating to Evacuation of Persons—Amendment Relating to Evacuation of Commodities

§ 8.25 To a bill dealing with the evacuation of persons, an amendment dealing with the evacuation of commodities is not germane.

During consideration of the Vietnam Humanitarian and Evacuation Assistance Act⁽²⁾ in the

2. H.R. 6096.

Committee of the Whole on Apr. 23, 1975,⁽³⁾ the Chair sustained a point of order against the following amendment:

MR. JOHN L. BURTON [of California]: Mr. Chairman, I offer an amendment: The Clerk read as follows:

Amendment offered by Mr. John L. Burton: Page 2 at the end of line 2, add such evacuation programs to include the evacuation of any gold, silver, or other valuable commodities belonging to the people of the United States that is determined to be in danger of being shipped to Switzerland, including 16 tons of gold.

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I make a point of order against the amendment. It goes far afield from the bill and it is not germane. . . .

MR. JOHN L. BURTON: . . . The title of the bill is “Humanitarian Aid and Evacuation.”

“Evacuation,” in the dictionary, is described as the removal of things. It is not limited to persons.

There is nothing in the title that says “an evacuation of persons.” I think that it is very germane, the thought of some \$83 million. . . .

MR. [FRANK] THOMPSON [Jr., of New Jersey]: “Things,” as I have read the Webster International Dictionary—that is, the latest version—would certainly include gold but would not necessarily be limited to the evacuation or withdrawal of things confined only to precious metals. . . .

THE CHAIRMAN:⁽⁴⁾ The Chair is prepared to rule.

3. 121 CONG. REC. 11550, 94th Cong. 1st Sess.

4. Otis G. Pike (N.Y.).

Under section 4 of the bill it says:

For the purposes of section 2, evacuation shall be defined as the removal to places of safety . . .

And the Chair will not read all of the intervening words—

with the minimum use of necessary force, the following categories of persons:

The gentleman's amendment goes beyond the scope of the bill and is not germane to section 2. Accordingly, the point of order is sustained.

Senate Amendment Striking Appropriation for Missile Program—House Amendment Reinserting Missile Appropriation and Earmarking Other Funds for Unrelated Programs

§ 8.26 To a Senate amendment striking an appropriation for a missile program from a general appropriation bill, a House amendment not only reinserting a portion of those funds but also earmarking other funds in the bill for specific grants unrelated to that missile program and waiving provisions of law otherwise restricting such grants was conceded to be nongermane.

The proceedings of Nov. 15, 1989, relating to H.R. 3072, Department of Defense appropria-

tions for fiscal 1990, are discussed in § 27.13, *infra*.

Differing Bases of Selective Service Deferments

§ 8.27 To a bill amending the Selective Service Act and establishing categories of registrants on the basis of persons dependent on each registrant for support, an amendment was held to be not germane which sought deferment of certain agricultural workers from military service.

In the 78th Congress, during consideration of a bill⁽⁵⁾ as described above, the following amendment was offered:⁽⁶⁾

Amendment offered by Mr. [Hampton P.] Fulmer [of South Carolina]: On page 4, line 20, after the word "board", strike out all that follows in lines 20 to 24 inclusive, and insert, in lieu thereof, the following: "provided, however, That every registrant who is . . . employed substantially full time on a farm in connection with the production or harvesting of any agricultural commodity set forth in local board release No. 164 of the Selective Service System as being a commodity essential to the war effort shall . . . be deferred by his selective service local board from training and service under this act. . . ."

5. H.R. 1730 (Committee on Military Affairs).

6. 89 CONG. REC. 3300, 78th Cong. 1st Sess., Apr. 12, 1943.

Mr. Andrew J. May, of Kentucky, raised the point of order that the amendment was not germane to the bill.⁽⁷⁾ The Chairman,⁽⁸⁾ in ruling on the point of order, stated:

The bill establishes the categories of registrants on the basis of dependents. Certainly . . . a worker in agriculture should not come within that category.

Further, on page 4 of the bill it is provided expressly that no deferment shall be made of individuals by occupational groups. The Chair feels that farmers come very clearly within the provisions of that language and therefore holds that the amendment is not germane.

Bill To Increase Cadet Corps at United States Military Academy—Amendment To Increase Certain Appointments to Military Academy and Naval Academy

§ 8.28 To a bill proposing to increase the corps of cadets at the United States Military Academy, an amendment was held to be not germane which sought to increase the number of men to be appointed both to the Military Academy and the Naval Academy from among sons of certain war veterans.

7. *Id.* at p. 3301.

8. Francis E. Walter (Pa.).

In the 77th Congress, a bill⁽⁹⁾ was under consideration increasing the corps of cadets at the Military Academy. An amendment was offered⁽¹⁰⁾ as described above. Mr. Andrew J. May, of Kentucky, raised the point of order that the amendment was not germane to the bill. The Chairman, J. Bayard Clark, of North Carolina, in ruling on the point of order, stated:⁽¹¹⁾

The Chair feels that the reference in the pending amendment to matters pertaining to the Naval Academy and the appointment of cadets to the Naval Academy takes it too far afield to make it germane to the pending bill; therefore the Chair sustains the point of order.

Bill Affecting Pensions for Veterans Based on Disability—Amendment Relating to Compensation for Service-Connected Disability

§ 8.29 To a privileged pension bill, a committee amendment which included provisions relating to compensation on account of service-connected disability was held to be not germane.

In the 84th Congress, during consideration of a bill⁽¹²⁾ relating

9. H.R. 6979 (Committee on Military Affairs).

10. 88 CONG. REC. 4158, 77th Cong. 2d Sess., May 13, 1942.

11. *Id.* at p. 4159.

12. H.R. 7886 (Committee on Veterans' Affairs).

to disability pension awards, a committee amendment was offered⁽¹³⁾ as described above. A point of order was raised against the amendment, as follows:⁽¹⁴⁾

MR. [WILLIAM H.] AYRES [of Ohio]: . . . This bill has been classified as a general pension bill, and as such, comes up for debate as a privileged matter. The term "pension" means payment for a non-service-connected disability. . . .

Mr. Chairman, all of title II relates entirely to service-connected compensation for disabilities of a veteran or to his widow and/or children, and this is not germane to this bill.

The Chairman, Jere Cooper, of Tennessee, in ruling on the point of order, stated:⁽¹⁵⁾

From the very beginning the House, in the adoption of its rules, has made a distinction between pensions and compensation. . . .

There can be no doubt that the bill as presented here was a pension bill. The committee amendment seeks to add among other things compensation provisions to the pending bill. The fact that it was a pension bill gave it a privileged status and enabled the bill to be called up as a privileged bill, but the compensation part of the bill does not have a privileged status, as is true in the instance of the pension provisions.

Therefore, as to the committee amendment, including both pension

and compensation provisions, the rule is well established that if any part of an amendment is subject to a point of order the whole amendment is subject to a point of order. Therefore, the Chair sustains the point of order of the gentleman from Ohio.

A subsequent motion to recommit the bill with instructions to report back a pension bill with compensation provisions was also ruled out of order. The motion was as follows:⁽¹⁶⁾

Mr. Ayres moves to recommit the bill, H.R. 7886, to the Committee on Veterans' Affairs with instructions to report it back forthwith with the following amendment: Strike out all after the enacting clause and insert the following: "That (a) all monthly wartime rates of compensation payable under public laws administered by the Veterans' Administration for disability less than total (not including special awards and allowances, dependency allowances, or subsistence allowances), are hereby increased by 10 percent." . . .

A point of order was made, as follows:

MR. [EDMOND] EDMONDSON [of Oklahoma]: Mr. Speaker, I make a point of order against the motion to recommit on the same ground that the gentleman from Ohio [Mr. Ayres] made against the amendment to the first section of this bill namely, that it is not germane; that it is a compensation matter which he seeks by a motion to recommit to place in a privileged pension bill.

13. 102 CONG. REC. 11142, 84th Cong. 2d Sess., June 27, 1956.

14. *Id.* at p. 11143.

15. *Id.* at pp. 11143, 11144.

16. *Id.* at p. 11145.

The Speaker,⁽¹⁷⁾ in ruling on the point of order, stated:

[T]he Chair feels that the same point of order will lie against this motion to recommit with instructions as did lie against the committee amendment in the bill with reference to compensation; and therefore the Chair sustains the point of order.

Bill Affecting Naval Procurement—Amendment Affecting Procurement for Other Armed Services

§ 8.30 To a bill amending the Navy Ration Statute to permit oleomargarine to be served to naval personnel, an amendment providing that no oleomargarine be acquired for use by the armed services when surplus butter stocks are available to the armed services through the Commodity Credit Corporation was held to be not germane.

In the 85th Congress, a bill⁽¹⁸⁾ was under consideration amending the Navy Ration Statute as indicated above. The following amendment was offered to the bill:⁽¹⁹⁾

17. Sam Rayburn (Tex.).

18. H.R. 912 (Committee on Armed Services).

19. 104 CONG. REC. 6931, 85th Cong. 2d Sess., Apr. 22, 1958.

Amendment offered by Mr. [Melvin R.] Laird [of Wisconsin]: Add the following new section:

Sec. 2. During any period when surplus butter stocks are available to the armed services through the Commodity Credit Corporation no oleomargarine or margarine shall be acquired for use by the armed services or any branch or department thereof. . . .

A point of order was raised against the amendment, as follows:

MR. [PAUL J.] KILDAY [of Texas]: Mr. Chairman, I make a point of order against the amendment on the ground that this is a bill to amend the Navy rations statute so as to provide for serving oleomargarine or margarine. It goes no further than to amend the Navy ration statute. The Navy ration statute does not refer to other departments of the armed services.

The Chairman,⁽²⁰⁾ relying on the rule that, "one individual proposition may not be amended by another individual proposition even though the two may belong to the same class," sustained the point of order, pointing out that:

The amendment offered by the gentleman from Wisconsin includes the Army, Navy, and Air Force. The bill before the House deals solely with the Navy.⁽¹⁾

20. James W. Trimble (Ark.).

1. See § 32.4, *infra*, discussing a similar amendment which, because more narrowly worded, was held to be germane.

Senate Amendment Proposing Feasibility Study of Land Transfer in State—House Amendment Concerning Environmental Liabilities in Another State

§ 8.31 To a Senate amendment proposing a feasibility study of a certain land transfer in one state, a House amendment waiving existing law concerning certain environmental liabilities in another state was conceded to be nongermane.

The proceedings of Nov. 15, 1989, relating to H.R. 3072, Department of Defense appropriations for fiscal 1990, are discussed in § 27.39, *infra*.

Bill Relating to Prices of Petroleum Products—Amendment Relating to Price of Coal

§ 8.32 To a bill containing provisions with respect to prices of petroleum products and transferring certain functions of the Price Administrator with respect to such products to the Petroleum Administrator for War, an amendment seeking to transfer responsibilities with regard to coal prices to the Solid Fuels Administrator for

War was held to be not germane.

In the 78th Congress, a bill⁽²⁾ was under consideration which stated in part:⁽³⁾

Be it enacted, etc., That the powers and functions conferred by the Emergency Price Control Act of 1942, as amended, upon the Price Administrator, with respect to crude petroleum and the products thereof . . . are hereby transferred to the Petroleum Administrator for War. . . . In the fixing of prices for crude petroleum and the products thereof . . . the Petroleum Administrator for War shall consider the necessity for exploring for crude petroleum. . . .

An amendment was offered, as follows:⁽⁴⁾

Amendment offered by Mr. Calvin D. Johnson [of Illinois]: After the last sentence insert, "The fixing of prices of any mineral through which by hydrogeneration crude petroleum and the products thereof and derivatives therefrom may be produced is hereby transferred to the Solid Fuels Administrator for War. . . ."

Mr. Johnson, in explaining the amendment, stated:⁽⁵⁾

. . . This amendment would transfer [the coal-mining] industry to the Solid Fuels Administrator.

2. H.R. 2887 (Committee on Banking and Currency).

3. See 89 CONG. REC. 10630, 78th Cong. 1st Sess., Dec. 13, 1943.

4. *Id.* at pp. 10641, 10642.

5. *Id.* at p. 10642.

Mr. Wesley E. Disney, of Oklahoma, raised the point of order that the amendment was not germane to the bill. In defense of the amendment, the proponent stated:

. . . Coal and oil are both fuel. The component parts of coal and the component parts of oil are identical.

The Chairman,⁽⁶⁾ in ruling on the point of order, stated:

The Chair is of the opinion that there is no doubt that the amendment seeking to include minerals in a bill providing for petroleum certainly would bring in a proposition in addition to the one covered by the bill, and therefore, is not germane. The point of order is sustained.

Bill Providing for Disposal of Tin From National Stockpile—Amendment Providing for Disposal of Silver

§ 8.33 An individual proposition is not germane to another individual proposition, even though the two belong to the same class; thus, to a House bill providing for the disposal of tin from the national stockpile, a Senate amendment included in the conference report providing for the disposal of silver from the stockpile was conceded to be nongermane and held to be subject to a mo-

tion to reject under Rule XXVIII clause 4.

The proceedings of Dec. 12, 1979, relating to H.R. 595, authorizing the Administrator of General Services to dispose of tin from the national stockpile, are discussed in § 26.8, *infra*.

Bill Relating to Settlement of Railway Labor Dispute—Amendment Relating to Settlement of Another Railway Labor Dispute

§ 8.34 To a bill relating to settlement of a particular railway labor dispute, involving certain railways and unions, an amendment concerning another dispute between a different railroad company and its employees was held to be not germane.

In the 90th Congress, during consideration of a bill relating to settlement of a railway labor dispute, the following amendment was offered:⁽⁷⁾

Amendment offered by Mrs. [Leonor K.] Sullivan [of Missouri]: Add at the end of the joint resolution a new section as follows:

7. 113 CONG. REC. 15930, 15931, 90th Cong. 1st Sess., June 15, 1967. Under consideration was H.J. Res. 559 (Committee on Interstate and Foreign Commerce).

6. Jere Cooper (Tenn.).

Sec. 7. The Special Board established by the first section of this joint resolution shall also have and exercise, with respect to any labor dispute to which the Florida East Coast Railway Company is a party . . . the same powers and duties set forth in sections 2, 3, and 4 of this joint resolution. In the exercise of such powers and duties pursuant to this section the Special Board shall use in lieu of the proposals of the Special Mediation Panel, the recommendations of Emergency Board Number 157 as contained in its report of December 23, 1963, with respect to disputes covered by said report and shall extend the principles underlying said recommendations to the other disputes covered by this section. . . .

A point of order was raised against the amendment, as follows:

MR. [SAMUEL N.] FRIEDEL [of Maryland]: Mr. Chairman, I make the point of order that the amendment which has been offered by the distinguished gentlewoman from Missouri [Mrs. Sullivan] is not germane to the joint resolution now under consideration.

Mr. Chairman, the joint resolution (H.J. Res. 559) deals with a nationwide railroad dispute with the shop craft unions. However, the amendment which has been offered by the distinguished gentlewoman from Missouri [Mrs. Sullivan] deals with a single dispute involving one railroad and all of its employees, not just the shop craft union. . . .

Chairman Wilbur D. Mills, of Arkansas, in sustaining the point of order, stated:

. . . The joint resolution . . . is aimed at one specific controversy be-

tween labor and management. The amendment . . . relates to a different controversy involving different classifications of unions as pointed out by the gentleman from Maryland [Mr. Friedel].

The amendment therefore is beyond the purview of the resolution (H.J. Res. 559). . . .

Bill Relating to Design of Public Coin Currency—Amendment Providing for Issuance of Commemorative Coin

§ 8.35 To a bill relating to the design of public coin currency, an amendment providing for issuance of a commemorative coin is not germane; thus, to a bill requiring public currency coins to bear a design and date emblematic of the Bicentennial of the American Revolution, an amendment providing for the issuance or sale of Bicentennial gold commemorative coins was held to be not germane.

On Sept. 12, 1973,⁽⁸⁾ during consideration of H.R. 8789 in the Committee of the Whole, the Chair sustained a point of order against the following amendment, thus illustrating that one individual proposition is not germane

8. 119 CONG. REC. 29376, 29377, 93d Cong. 1st Sess.

to another individual proposition, although the two may belong to the same class:

H.R. 8789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reverse side of all dollars, half-dollars, and quarters minted for issuance on or after July 4, 1975, and until such time as the Secretary of the Treasury may determine shall bear a design determined by the Secretary to be emblematic of the Bicentennial of the American Revolution.

Sec. 2. All dollars, half-dollars, and quarters minted for issuance between July 4, 1975, and January 1, 1977, shall bear "1776-1976" in lieu of the date of coinage; and all dollars, half-dollars, and quarters minted thereafter until such time as the Secretary of the Treasury may determine shall bear a date emblematic of the Bicentennial in addition to the date of coinage.

MR. [PHILLIP M.] CRANE [of Illinois]: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Crane: Page 2, after line 4, add the following new section and redesignate the succeeding sections accordingly:

Sec. 3. Notwithstanding any other provision of law, rule, regulation, or order, the Secretary of the Treasury is authorized and directed to coin and issue or cause to be sold, between July 4, 1975, and January 1, 1977, special gold coins commemorating the Bicentennial of the American Revolution of such design, in such denomination, in such quantities (not exceeding sixty million pieces), and containing such other metals, as he determines to be ap-

propriate. Notwithstanding any other provision of law, coins minted under this section may be sold to and held by the public, and the Secretary of the Treasury is authorized, by regulation, to limit the number of gold pieces which any one person may purchase. . . .

MRS. [LEONOR K.] SULLIVAN [of Missouri]: Mr. Chairman, I make a point of order against the language in this amendment, because under the Rules of the House, one individual proposition may not be amended by another individual proposition, even though the two belong in the same class.

This bill merely changes the designs of our existing coins. It does not change the content of the coin or of the denomination.

Further, Mr. Chairman, we are dealing here in this bill with currency and not commemorative coins.

Mr. Chairman, I insist upon my point of order. . . .

MR. CRANE: . . . It must be abundantly clear to one and all that we are not talking about coin of the realm when we talk about minting a gold coin with .13 ounces of gold that will be selling for \$35. We are speaking exclusively about commemorative coins. If we were talking about minting coin of the realm and circulating that, we would have to sell the coins at a figure substantially half that figure of \$35 which the Treasury ordered.

Second, with respect to the question of the action of this particular bill, it seems to me that there is something much more dramatic involved than overturning existing law on the subject of what shall be on the reverse or the obverse side of any coin, which at the present time regulations dictate cannot

be altered except once every 25 years, and that the talk of creating another commemorative coin for distribution to those who wish to memorialize the Bicentennial is not nearly so radical a departure from the intent of this legislation and, in fact, is, indeed, germane. . . .

MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Chairman, I believe this amendment is not germane to the bill before us and, therefore, think that a point of order on germaneness should lie. This bill does deal with coin of the realm. The entire purpose of having half dollars, dollars, and quarters minted into Bicentennial coin is because they are coins in general circulation at the present time.

Mr. Chairman, this amendment would create a whole new coin which would be a collector's item and not be coin of the realm, as the gentleman has suggested. Therefore, I do think that it changes the subject of the bill; changes the purpose of the bill, and, therefore, is not germane.

THE CHAIRMAN: ⁽⁹⁾ The Chair is prepared to rule.

The Chair having listened to the arguments made by the gentlewoman from Missouri (Mrs. Sullivan), the gentleman from Illinois (Mr. Crane), and the gentleman from Ohio (Mr. Wylie) recalls that on October 15, 1969, the Chair, while presiding over the debate on H.R. 14127, had a similar amendment offered, and at that time the Chair ruled that to a bill relating to the minting and issuance of public currency, as is the case proposed by H.R. 8789, an amendment providing for minting any coin for a private purpose

or for a commemorative purpose was held not to be germane.

Accordingly, the Chair is constrained to sustain the point of order.

Bill Relating to Design of Public Coin Currency—Amendment To Require Issuance of Other Coin Currency in Uncirculated Proof Form

§ 8.36 To a bill relating to the design of certain coin currency, an amendment specifying the metal content of other coin currency and requiring its issuance in uncirculated proof form was held not germane.

During consideration of H.R. 8789 in the Committee of the Whole on Sept. 12, 1973,⁽¹⁰⁾ Chairman Spark M. Matsunaga, of Hawaii, sustained points of order against two amendments (relating to the metal content of another currency coin) to a bill requiring certain coins to bear a design and date emblematic of the Bicentennial of the American Revolution:

MR. [PHILLIP M.] CRANE [of Illinois]: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Crane: On page 2, following line 4, insert a new section 3 as follows and renumber the succeeding section accordingly:

10. 119 CONG. REC. 29377, 29378, 93d Cong. 1st Sess.

9. Spark M. Matsunaga (Ha.).

Sec. 3. (a) Notwithstanding any other provision of law with respect to the design of coins, the Secretary of the Treasury shall mint and issue at face value through the Federal Reserve banks after July 4, 1975, and until such time as the Secretary of the Treasury may determine, one hundred and fifty million or more circulating one-dollar coins which shall bear a design determined by the Secretary of the Treasury to be emblematic of the bicentennial of the American Revolution. These one-dollar coins shall meet the following specifications:

(A) a diameter of 1.500 inches;

(B) a cladding of an alloy of 800 parts of silver and 200 parts of copper; and

(C) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper.

(b) The Secretary of the Treasury shall mint and issue, in uncirculated proof form, the above-specified coin in quantities and prices as he shall determine to be appropriate. . . .

MRS. [LEONOR K.] SULLIVAN [of Missouri]: Mr. Chairman, I insist on my point of order. . . .

Mr. Chairman, I repeat what I said on the previous amendment. Under the Rules of the House, one individual proposition may not be amended by another individual proposition, even though the two belong in the same class. . . .

MR. CRANE: . . . Mr. Chairman, it strikes me that the gentlewoman's objections are not consistent. In the last one we were talking about striking an altogether new coin and minting gold coins. Under the provisions of this particular act we are planning to continue to mint a dollar denomination coin. All that is proposed is changing in the

present legislation the imprint on the reverse side of that coin. What this particular amendment does is give the Secretary of the Treasury further instructions with respect to the content of that coin, stipulating that approximately 40 percent of this shall be made up of silver instead of the percentage of composition of copper and nickel in the present coinage. . . .

MR. [CHALMERS P.] WYLIE [of Ohio]: . . . I support the point of order made by the gentlewoman from Missouri. Again, the Eisenhower proof set dollar was not minted as coin of the realm. These 40-percent silver dollars were minted to be sold as collectors' items, as proof coins. As the gentleman in the well knows, they are being sold for \$10 apiece. They are not in general circulation. They are not being minted for general distribution. The bill before us specifically provides for the minting of general circulation coin of the realm. . . .

THE CHAIRMAN: The Chair is prepared to rule.

The Chair, after listening to the arguments on both sides, is constrained to sustain the point of order for the reason that the bill now pending provides for a new coinage design that would be emblematic of the Bicentennial of the American Revolution and it applies to dollars, half-dollars, and quarters. The amendment goes to the metal content of the dollar coin, a matter not within the purview of the bill . . . and the Chair therefore is constrained to sustain the point of order.

Subsequently,⁽¹¹⁾ another amendment was offered:

11. 119 CONG. REC. 29378, 93d Cong. 1st Sess., Sept. 12, 1973.

MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Symms: On page 2, following line 4, insert a new section 3 as follows and renumber the succeeding section accordingly:

Sec. 3. (a) Notwithstanding any other provision of law with respect to the design of coins, the Secretary of the Treasury shall mint and issue at face value through the Federal Reserve banks after July 4, 1975, and until such time as the Secretary of the Treasury may determine, one hundred and fifty million or more circulating one-dollar coins which shall bear a design determined by the Secretary of the Treasury to be emblematic of the bicentennial of the American Revolution. These one-dollar coins shall meet the following specifications:

(A) a diameter of 1.500 inches;

(B) a cladding of an alloy of 800 parts of silver and 200 parts of copper; and

(C) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper.

MRS. SULLIVAN: Mr. Chairman, I make a point of order against this amendment. It goes to the metal content of the coin and not the design of the coin. . . .

MR. SYMMS: Mr. Chairman, I would say on the point of order, it is coin of the realm, and I would be willing to hear the ruling of the Chair.

THE CHAIRMAN: The Chair is prepared to rule.

The Chair's previous ruling applies to the point of order against the amendment, that this amendment goes to the metal content of the coin where-

as the bill pending before the committee pertains only to the design and date of the coin proposed to be minted. The Chair therefore sustains the point of order.

Provision Authorizing Law Enforcement Assistance to States for Purchase of Photographic and Fingerprint Equipment—Amendment To Provide Assistance for Purchase of Bulletproof Vests

§ 8.37 To an amendment authorizing law enforcement administration grants to states and localities for the purchase of photographic and fingerprint equipment for law enforcement purposes, an amendment including assistance for the purchase of bulletproof vests was held to be directed toward a different category of law enforcement equipment concerned with physical protection rather than information-gathering and was therefore beyond the scope of the amendment and not germane; the decision of the Chairman on the germaneness of the amendment was upheld on appeal by a voice vote.

On Oct. 12, 1979,⁽¹²⁾ during consideration of the Justice System Improvement Act of 1979⁽¹³⁾ in the Committee of the Whole, Chairman Mike McCormack, of Washington, held that to an amendment providing financial assistance for a certain class of law enforcement equipment (for informational purposes), the following amendment adding financial assistance for another class (for protection of law enforcement officers) was not germane:

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Volkmer: Page 164, lines 24 and 25, amend the bill by adding the following after the word "project," "including photographic equipment, and fingerprint equipment, for law enforcement purposes." . . .

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Ashbrook to the amendment offered by Mr. Volkmer: Insert after the word "including" "bullet-proof vests," . . .

MR. [PETER A.] PEYSER [of New York]: . . . When we previously discussed this with the Parliamentarian the point was made that it could not be

amended on the other side by having the bulletproof vest amendment amended by adding cameras and other equipment. It is not a germane fact to this issue and the type of equipment we are dealing with and discussing, and for that reason it should be ruled out of order. . . .

MR. VOLKMER: . . . I would like to speak on the point of order. As to the question of germaneness, as I understand it my amendment says, "including photographic equipment, fingerprint equipment," and then the words "for law enforcement purposes."

Therefore, in my opinion anything that would be in there for law enforcement purposes would be germane. In other words, if somebody would offer an amendment for pistols, or offer an amendment for bullets, or offer an amendment for police caps or cars or anything else for law enforcement purposes, it is germane. This is not restricted just to a certain type of equipment. We have photographic equipment and fingerprint equipment. They are not related at all. Bulletproof vests are for law enforcement purposes.

THE CHAIRMAN: The Chair is prepared to rule.

The question really comes down to how to define and segregate categories of law enforcement equipment. The Chair is persuaded that the term, "photographic equipment and fingerprint equipment" is a generic category that deals with information rather than protection of law enforcement officers.

Bulletproof vests are within the different category of equipment for the protection of law enforcement officers. The Chair recognizes that this is a fine

12. 125 CONG. REC. 28121, 28123, 28124, 96th Cong. 1st Sess.

13. H.R. 2061.

line, but rules that under the precedents the amendment is not germane to the pending amendment and the point of order is sustained. . . .

MR. ASHBROOK: Mr. Chairman, I appeal the ruling of the Chair.

THE CHAIRMAN: The question is, Shall the Chair's ruling stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

MR. ASHBROOK: Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

THE CHAIRMAN: Evidently a quorum is not present.

Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device. . . .

THE CHAIRMAN: Three hundred and twelve Members have answered to their names, a quorum is present, and the Committee will resume its business.

The pending business is the demand of the gentleman from Ohio (Mr. Ashbrook) for a recorded vote appealing the decision of the Chair.

Does the gentleman from Ohio (Mr. Ashbrook) insist upon his demand for a recorded vote?

MR. ASHBROOK: I do not, Mr. Chairman.

Bill Providing Aid for Construction of Public School Facilities—Amendment Proposing Assistance for Teachers' Salaries

§ 8.38 To a bill providing for federal financial assistance to states to be used for constructing public school facilities, an amendment proposing financial assistance for teachers' salaries was held to be not germane.

In the 86th Congress, a bill⁽¹⁴⁾ was under consideration to authorize federal financial assistance to states for school construction. An amendment was offered⁽¹⁵⁾ as described above. Mr. Cleveland M. Bailey, of West Virginia, raised the point of order that the amendment was not germane.⁽¹⁶⁾ The Chairman,⁽¹⁷⁾ in sustaining the point of order, stated:⁽¹⁸⁾

The pending bill has to do with Federal aid to public schools construction. The amendment offered by the gentleman from Montana, in addition to dealing with school facilities construc-

14. H.R. 10128 (Committee on Education and Labor).

15. 106 CONG. REC. 11269, 11270, 86th Cong. 2d Sess., May 26, 1960.

16. *Id.* at p. 11270.

17. Aime J. Forand (R.I.).

18. 106 CONG. REC. 11276, 86th Cong. 2d Sess., May 26, 1960.

tion also deals with the salaries of teachers, which comes in a different category altogether, and, in the opinion of the Chair, would not be germane. . . .

Bill Providing Aid for Construction of Public School Facilities—Amendment Proposing Loans To Assist in Construction of Private Schools

§ 8.39 To a bill to provide financial assistance to the states for construction of public school facilities, an amendment proposing loans to assist in the construction of private schools was held to be not germane.

In the 86th Congress, a bill⁽¹⁹⁾ was under consideration to authorize federal financial assistance to states for public school construction. An amendment was offered⁽²⁰⁾ as described above. A point of order was raised against the amendment, as follows:

MR. [CLEVELAND M.] BAILEY [of West Virginia]: . . . Since the bill, H.R. 10128, is confined to one specified class of schools, under the rule of germaneness the gentleman's proposal, plainly, is not in order because it would add another specified class of schools.

19. H.R. 10128 (Committee on Education and Labor).

20. 106 CONG. REC. 11292, 86th Cong. 2d Sess., May 26, 1960.

The Chairman, Aime J. Forand, of Rhode Island, citing precedents and noting that the bill "has to do strictly with public schools," sustained the point of order.⁽¹⁾

Bill To Aid Construction of Health Research Facilities—Amendment To Provide for Training of Research Workers

§ 8.40 To a bill providing assistance for construction of facilities for research with respect to certain diseases, an amendment to provide for training of research workers was held to be not germane.

The following proceedings took place on July 13, 1956:⁽²⁾

THE CHAIRMAN:⁽³⁾ Under the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows: . . .

Sec. 2. The Public Health Service Act (42 U.S.C. ch. 6A) is amended by adding at the end thereof the following new title:

TITLE VII—HEALTH RESEARCH
FACILITIES

(b) It is . . . the purpose of this title to assist in the construction of

1. *Id.* at p. 11293.

2. 102 CONG. REC. 12736, 84th Cong. 2d Sess. Under consideration was S. 849 (Committee on Interstate and Foreign Commerce).

3. John J. Rooney (N.Y.).

facilities for the conduct of research in the sciences related to health by providing grants-in-aid on a matching basis to public and nonprofit institutions for such purpose.

Mr. Peter F. Mack, Jr., of Illinois, offered an amendment⁽⁶⁾ as described above. A point of order was raised against the amendment, as follows:

MR. [CARL] HINSHAW [of California]: Mr. Chairman, a point of order. . . .

. . . I feel that the amendment is not germane to an amendment to the act. It is not a question of the act itself. This bill is an amendment to the act and the amendment offered by the gentleman from Illinois is not germane to this amendment.

In defense of the amendment, the proponent stated as follows:

MR. MACK [of Illinois]: . . . Mr. Chairman, this bill amends the Public Health Act, title 44, United States Code, chapter 6(a) the National Research Institute. In this section they provide for both training and research. Therefore, I feel that my amendment is germane to the bill.

The Chairman, in sustaining the point of order raised by Mr. Hinshaw, stated:

The bill under consideration provides for construction of facilities for research. Research is an entirely different subject matter from training.

4. 102 CONG. REC. 12737, 84th Cong. 2d Sess.

Bill Authorizing Grants to Certain Private Health Care Facilities—Amendment Authorizing Grants To States for Control of Health Hazard

§ 8.41 To a bill authorizing categorical grants to certain private entities furnishing health care to medically underserved populations, a committee amendment authorizing direct grants to States for control of a certain public health hazard was held not germane because it related to different categories of recipients.

On Mar. 5, 1986,⁽⁵⁾ during consideration of H.R. 2418 in the Committee of the Whole, the Chair sustained a point of order against an amendment, thus demonstrating that to a bill authorizing certain financial assistance to be administered by one category of recipient for a particular purpose, an amendment authorizing assistance to be administered by a different category of agency recipient beyond the areas covered by the bill is not germane.

The text of the bill is as follows: . . .

SECTION 1. SHORT TITLE: REFERENCE TO ACT.

(a) Short Title.—This Act may be cited as the "Health Services Amendments Act of 1985". . . .

5. 132 CONG. REC. 3603, 3604, 99th Cong. 2d Sess.

SEC. 2. MEDICALLY UNDERSERVED POPULATIONS.

Section 330(b) (42 U.S.C. 254c(b)) is amended—

(1) by striking out the second, third, fourth, and fifth sentences of paragraph (3); and

(2) by adding at the end thereof the following:

“(4) in carrying out paragraph (3), the Secretary shall by regulation prescribe criteria for determining the specific shortages of personal health services of an area or population group. . . .

“(5) The Secretary may not designate a medically underserved population in a State or terminate the designation of such a population unless, prior to such designation or termination, the Secretary provides reasonable notice and opportunity for comment and consults with—

“(A) the chief executive officer of such State;

“(B) local officials in such State;

. . .

SEC. 3. MEMORANDUM OF AGREEMENT.

Section 330 (42 U.S.C. 254c) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

“(h) In carrying out this section, the Secretary may enter in a memorandum of agreement with a State. Such memorandum may include, where appropriate, provisions permitting such State to—

“(1) analyze the need for primary health services for medically underserved populations within such State;

“(2) assist in the planning and development of new community health centers; . . .

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Paragraphs (1) and (2) of section 330(i) (as redesignated by section

202 of this Act) are amended to read as follows:

“(1) There are authorized to be appropriated for payments pursuant to grants under this section \$405,000,000 for fiscal year 1986, \$437,000,000 for fiscal year 1987, and \$472,000,000 for fiscal year 1988. . . .

SEC. 6. MIGRANT HEALTH CENTERS.

The first sentence of section 329(h)(1) (42 U.S.C. 254b(h)(1)) is amended by striking out “and” after “1983,” and by inserting before the period a comma and “\$50,000,000 for the fiscal year ending September 20, 1986, \$56,000,000 for the fiscal year ending September 30, 1987, and \$61,000,000 for the fiscal year ending September 30, 1988”. . . .

THE CHAIRMAN PRO TEMPORE: ⁽⁶⁾ The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 6, insert after line 5 the following new section:

SEC. 8. PLAGUE.

Section 317 (42 U.S.C. 247b) is amended by adding at the end the following:

“(k) The Secretary, acting through the Director of the Centers for Disease Control, may make grants to and enter into contracts and cooperative agreements with States for the control of plague. For grants, cooperative agreements, and contracts under this subsection there are authorized to be appropriated \$1,000,000 for each of the fiscal years 1986, 1987, and 1988.”. . . .

MR. [MICKEY] LELAND [of Texas]: Mr. Chairman, I make a point of order that the amendment is not germane to the subject matter or purpose of this

6. Neal Smith (Iowa).

bill and is in violation of clause 7 of rule XVI.

THE CHAIRMAN PRO TEMPORE: . . . If no one wishes to be heard on the point of order, the Chair is ready to rule.

The amendment does not pertain to the subject matter of the introduced bill and addresses a subject that is not covered by the bill and the point of order is sustained.

§ 9. General Amendments to Specific or Limited Propositions; Amendments Enlarging Scope of Proposition

It is well established that a specific proposition may not be amended by a proposition general in nature.⁽⁷⁾ It has been stated that, "A measure relating to a limited and specific matter may not be amended to include matters general in character and scope."⁽⁸⁾ The question for the Chair frequently consists in determining what comprises a "general" or "specific" proposition. It has been held that, to a bill limited in its application to certain departments and agencies of Government, an amendment applicable to all departments and agencies is not germane.⁽⁹⁾ And to a

proposition applying to named individuals, an amendment making such proposition one of general applicability was held not to be germane.⁽¹⁰⁾

In accordance with the rule, it is not in order to amend a private bill by a proposition of general legislation.⁽¹¹⁾

An amendment which, by striking words in the bill, broadens the scope of the bill may be held not to be germane.⁽¹²⁾ But in one case where words of qualification were permitted to be stricken, the Chair apparently took the view that such words were unnecessary, and that the essence of the bill was not changed by deleting them.⁽¹³⁾

The fact that a bill requires a study to be made as to the impact of the bill upon factors or activities that are not otherwise within the scope of the subject matter of the bill, does not render germane an amendment that seeks to directly affect such factors or activities, or one that seeks to make the effectiveness of the bill conditional upon factors not otherwise related to the subject matter of the bill.⁽¹⁴⁾

7. See §§ 9.6, 9.9, *infra*.

8. See § 9.9, *infra*.

9. See § 15.17, *infra*.

10. See § 27.41, *infra*.

11. See § 9.6, *infra*.

12. See § 20, *infra*.

13. See § 9.13, *infra*.

14. See, for example, the proceedings of Nov. 2 and Nov. 3, 1983, relating to